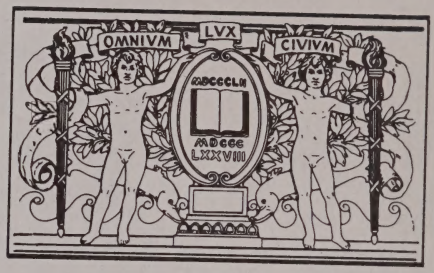
Boston Public Library
3 9999 10521 380 3



BOSTON
PUBLIC
LIBRARY

FITCHBURG PUBLIC LIBRARY
WITHDRAWN

PUBLIC LIBRARY
FITCHBURG, MASS.

THE

NORTH AMERICAN REVIEW

AND

MISCELLANEOUS JOURNAL.

VOL. X.

NEW SERIES—VOL. I.

BOSTON:
PUBLISHED BY CUMMINGS AND HILLIARD, NO. 1 CORNHILL.

University Press—Hilliard & Metcalf.
1820.

PUBLIC LIBRARY
FITCHBURG, MASS.

051
N1-10

6213

CONTENTS OF VOL. I. NO. I.

New Series.

ART. I.—Memorie storiche sugli studj e sulle produzioni del dottore G. Bernardo de Rossi, Prof. di Ling. Orient. da lui distese.——Historical memoirs of the studies and productions of Dr. John Bernard de Rossi, Professor of the Oriental Languages; written by himself. 1

ART. II.—Mississippian Scenery; a poem descriptive of the interior of North America. By Charles Mead. 14

ART. III.—Discourses on various subjects. By Jeremy Taylor, D. D. chaplain in ordinary to King Charles I, and late Lord Bishop of Down and Connor. 19

ART. IV.—Begebenheiten des Capitains von der Russisch-Kaizerlichen Marine Golownin, in der Gefangenschaft bei den Japanern in den Jahren 1811, 1812, & 1813; nebst seinen Bemerkungen ueber das Japanische Reich und Volk, und einem Anhange des Capitains Rikord.—The adventures of Capt. Golownin, of the Imperial Russian Navy, during his imprisonment among the Japanese, in the years 1811, 1812, and 1813; with his observations upon the Japanese empire and people; and an appendix by Capt. Rikord. Translated from the Russian into German, by Charles John Schultz. 33

ART. V.—Recollections of Curran and some of his cotemporaries. By Charles Phillips, Esq. 62

ART. VI.—1. Report of the case of the trustees of Dartmouth College against William H. Woodward, argued and determined in the Superior Court of Judicature of the state of New Hampshire, November, 1817; and on Error, in the Supreme Court of the United States, 1819. By Timothy Farrar, Counsellor at Law.

2. Reports of Cases argued and adjudged in the Supreme Court of the United States, February term, 1819. Vol. IV. By Henry Wheaton, Counsellor at Law. 83

ART. VII.—Proceedings and Report of the Commissioners for the University of Virginia, presented 8th of December, 1818. 115

ART. VIII.—1. Substance of two Speeches, delivered in the Senate of the United States, on the subject of the Missouri bill. By the Hon. Rufus King of New York.
2. A Charge delivered [by Mr. Justice Story] to the grand juries of the Circuit Court at October Term, 1819, in Boston, and at November term, 1819, at Providence, and published at their unanimous request. 137

ART. IX.—A memoir on the commerce and navigation of the Black Sea, and the trade and maritime geography of Turkey and Egypt; in two volumes, illustrated with charts. By Henry A. S. Dearborn. 168

ART. X.—Memoirs of the life and campaigns of the Hon. Nathaniel Greene, Major General in the army of the United States, and commander of the southern department, in the war of the revolution. By Charles Caldwell, M. D. Professor of Natural History in the University of Pennsylvania. 183

ART. XI.—Sermons by the late Rev. J. S. Buckminster; with a memoir of his life and character. 204

Quarterly List of New Publications. 218

Intelligence. 222

CONTENTS OF VOL. I. NO. II.

New Series.

ART. XII.—Versuch über die Maltesische Sprache zur Beurtheilung der neulich wiederhohlten Behauptung, dass sie ein Ueberrest der altpunischen sey, und als Beytrag zur Arabischen Dialectologie.——Essay upon the Maltese language; by way of examination of the hypothesis, lately revived, that it is a relic of the ancient Punic language, and of contribution to Arabic dialectology. By William Gesenius, Professor in the Gymnasium of Heiligenstadt. 225

ART. XIII.—Observations on penal jurisprudence and the reformation of criminals; with an appendix, containing the latest reports of the state prisons or penitentiaries of Philadelphia, New York, and Massachusetts; and other documents. By William Roscoe, Esq. 235

ART. XIV.—1. Abhandlung über die leichteste und bequemste Methode die Bahne eines Cometen aus einigen Beobachtungen zu berechnen. Von Wilhelm Olbers, der Medicin Doctor, Mitgliede der kaiserlichen Akademie der Naturforscher, und der Königl. Societät zu Göttingen Correspondenten.——A treatise upon the most easy and convenient method of computing the path of a comet, from several observations. By William Olbers, M. D.

2. Theoria motus corporum cœlestium in sectionibus conicis solem ambientium, auctore Carolo Friderico Gauss. 265

ART. XV.—Remarks on the pronunciation of the Greek language; occasioned by a late essay on the same subject by John Pickering, A. A. S. By N. F. Moore. 272

ART. XVI.—Cours de littérature dramatique: ou Recueil, par ordre de matières, des feuilletons de Geoffroy; précédé d'une notice historique sur sa vie. 291

ART. XVII.—Addresses of the Philadelphia Society for the Promotion of National Industry. 316

ART. XVIII.—An appeal from the judgments of Great Britain respecting the United States of America. Part first, containing an historical outline of their merits and wrongs as colonies; and strictures upon the calumnies of the British writers. By Robert Walsh, jr. 334

ART. XIX.—1. Notizia sul celebre scultore Canova, e sulle sue opere. Nel Giornale Enciclopedico di Napoli, Aprile 1807.——An account of the celebrated sculptor Canova, and of his works. In the Giornale Enciclopedico of Naples, for April 1807.

2. Opere di scultura e di plastica di Antonio Canova, descritte da Isabella Albrizzi, Nata Teotochi ——The works in marble and plaster of Antonio Canova, described by [the countess] Isabella Albrizzi. 372

ART. XX.—1. The late fever in Boston.

2. Case of the ship Ten Brothers; being the report of a committee of the Board of Health, unanimously accepted, and published by order of the Board.

3. A statement of the occurrences during a malignant yellow fever in the city of New York, in the summer and autumnal months of 1819.

4. Observations on the epidemic of 1819, as it prevailed in a part of the city of Baltimore. By David M. Reese, M. D. 386

ART. XXI.—Trial of Stephen and Jesse Boorn, for the murder of Russell Colvin, before an adjourned term of the Supreme Court of Vermont, begun, &c. Oct. 26, A. D. 1819; to which is subjoined the particulars of the wonderful discovery thereafter of the said Colvin's being alive, &c. 418

ORIGINAL MISCELLANY.

Visit to Joannina and Ali Pasha. 429

Quarterly List of New Publications. 463

NORTH AMERICAN REVIEW

AND

MISCELLANEOUS JOURNAL.

No. XXVI.

JANUARY, 1820.

ART. I.—*Memorie storiche sugli studj e sulle produzioni del dottore G. Bernardo de Rossi, Prof. di Ling. Orient. da lui distese.—Historical memoirs of the studies and productions of Dr. John Bernard de Rossi, Professor of the Oriental Languages; written by himself.* Parma, dalla stamperia imperiale. 8vo. pp. 112, 1809.

THE name of the subject of these memoirs is familiar to many of our readers, in connexion with his great work on the various readings of the Hebrew Old Testament. Though that collection exhibit but a small part of his vast and various erudition, it is almost the only one of his works, which has been considerably known either in England or America. As scarce any reading is more amusing than biography, so no branch of mere subsidiary reading is more useful to the scholar, than accounts of the lives and studies of those whom he chooses for the guides or standards of his pursuits. We feel curious to know how these great men lived and laboured, almost hoping that when we have imitated the form of their rooms, the arrangement of their books, and the filing of their papers, we are in the fair road to partake their fame. And if this be derided as a literary weakness, it will not therefore be denied that occasional hints are derived from the memoirs of learned men, which render real and valuable aid, in forming

our own habits of study and systematizing our own labours. Genius, it is true, breaks through all these rules, derides all these aids, and works and shines, in despite alike of what would promise to aid or to oppose it. But as we presume the prisoner innocent till found guilty, we can think of no maxim in education more important, than for the scholar to presume himself no genius, till he has fairly proved that he is one. The sure path to learning and fame is best found out, by looking into the lives of those who have travelled it farthest.

We are the more anxious to make these trite remarks, not only as the work before us is an uncommon instance of the union of high natural gifts, with inexhaustible perseverance in labour; but because the spirit of our country seems to run rather in favour of an opposite course. Our institutions and the state of our country breathe a spirit of independence, which cannot safely be transferred from the open bustling forum, to the study. Our civil and political freedom gives us no immunities from those intellectual laws, which have made great efforts necessary to great attainments. The forefathers and the heros have done nothing to emancipate us from the burden of three centuries and a half of book-making; and not a constitution or charter from Maine to Florida has unlocked one of the dead languages, in which the wisdom of ages lies hid. All we can do—and it is this for which some of the Cleons of the day seem striving—is to withdraw ourselves from the great literary games of the nations; to affect to disdain any share in the competition or regard for the prize. Farther than this we cannot go. Would we rank on the list of their scholars we must labour and study, as they have laboured and studied before us; nor hope in the newest and freest state of the West to take so much as a single step by force of genius, which has been taken in the old world by dint of labour.

The work we have before us contains the life of a scholar of great native powers and unwearied application, and we proceed without apology to make an abstract from it for the edification of our readers, in the hope that though its immediate interest be confined to those engaged in pursuits similar to his, it will have some attraction for all who honour the literary life and are inspired with literary enthusiasm.

John Bernard de Rossi was born in Piedmont, October 25, 1742, of a respectable family, which had received at various

times several marks of the favour of the dukes of Savoy. After the first school education at Bairo, he went, at the age of 14, to Ivrea, where, to use the phrase of the French and Italian schools, he made his grammar, humanities, and rhetoric. At this early age, he gave an indication of his future zeal, as a writer, by extracting from the Latin Classics, which he studied, and the philosophy he read, the striking maxims and fine moral passages they contained, and forming of these a compendium. 'This,' says he, 'was the commencement of two practices, which I ever afterwards observed; one to read no book, without making a note of the remarkable things it contained; and another to form, upon the maxims thus collected, as far as they accord with religion, my own character and conduct.' While at Ivrea, he determined on embracing the ecclesiastical profession, and commenced the study of theology. He also amused himself in making sun dials horizontal and vertical at all declinations, and figures in relief, which he afterwards coloured. 'While at Ivrea,' also continues Professor de Rossi, 'I had the fancy to take lessons in drawing of the Canon Stephen Peronetti, an excellent painter, who had studied in Rome. The great progress I made, in the four months that I attended to it, and the many performances, which I have in part preserved, are proofs of the happy turn I had by nature for the arts.'

Desirous of taking his theological degrees, he repaired to Turin at the age of 20, and in the following year was admitted to the first of them. The king of Sardinia, Victor, having wisely made it the duty of all candidates for the theological degrees, to study the Hebrew language, de Rossi devoted himself to it, and with such zeal, that he was in the space of a few months in a condition to compose and to translate in this language, of which he failed not to give many proofs; such as an *epistle* and a *prose canticle*, addressed to his professor, the *speech of Esther*, translated from the Vulgate into Hebrew, and many parts of the Hebrew translated into Italian. Extending his attention from the ancient to the modern poesy of the Jews, he applied himself so diligently to the latter, that at the end of the sixth month, he composed and published a poem in a new and most difficult metre, addressed to Monsignor Rorà, newly made bishop of Ivrea. This rapidity of acquisition, as de Rossi himself remarks, attracted no small notice, and among others that of the Jews, and upon

occasion of this remark he gives us an anecdote of his early zeal in applying his learning to the defence of his faith. 'An individual of this nation, whom I met accidentally at a bookseller's, after having asked me if I could read Hebrew, gave me, as a trial, the celebrated verse in Deuteronomy, 'Hear, O Israel, the Lord thy God is one Lord:' repeating as I read it, that it was *echad, one.* True, answered I, perceiving his malice, and the unity of God is a fundamental article of christianity. But why is the name of God *thrice* repeated? He being unable to answer, I took this occasion to show him how, in this very verse, by which he thought to impugn it, that mystery was shadowed out.' Encouraged by 'these glorious beginnings,' de Rossi continued his oriental studies, and in the two years before his second degree, devoted himself to the Hebrew without points, the Rabbinical, the Chaldee, the Syriac, the Samaritan, and the Arabic: all which he studied by himself; and submitted only to the professor, out of respect to him, the exercises in Hebrew and Rabbinic. He appeals to a *collection of Rabbinical texts,*—a *compendium of sentences,* extracted from that of Plantavizio,—a part of the *sacred hymns of Machazor,* translated by himself,—and *Syriac and Latin extracts from St. Ephrem,* all printed in 1765 (at the age of 23) as proofs of his rapid progress. In the same year, he employed himself on a rare and unpublished work of Caspi, existing in manuscript in the royal library, which he copied and translated in great part, as a specimen. This he dedicated to the first president, and with it a Syriac poem of his own, in the Jacobitic measure. Three years after, and at the age of 26, he published his *Oriental Poems,* written, in the languages already mentioned, with an introduction in Coptic, and a short Ethiopic elogium. A short time only passed, before Rorà, the bishop of Ivrea, was made archbishop of Turin. On this occasion, our indefatigable linguist composed two poems, one in *Estranghelo-Syriac,* expressing the sorrow of the church, which had lost a bishop, and the other a Polyglot poem, expressing the joy of the church, which had gained an archbishop. These poems were printed in the year 1768; and in the vacations of the same year, de Rossi commenced two great works: one *De Studio legis seu Biblico, ex rabbinorum præceptis optime instituendo,* compiled in a good degree from the *Mahasse Efod* of Peripot Duran, and illustrated 'by an infinity of authors of all languages and nations,

among which was the Enchiridion Studiosi of the Arabian Borhaneddino.' The other work had its origin in the objections made by his fellow students, to the utility and necessity of the study of Hebrew. He thought it his duty to refute their objections, in a work which he called '*De præcipuis causis ac momentis neglectæ Hebraicarum literarum disciplinæ dissertatio elenchtica*,' in which work he discusses, in twelve chapters, the same number of objections to the study of the Hebrew. It is worthy of remark, in a young catholic priest, that one of the objections refuted is, 'that the use of the vulgate renders that of the text useless.' One would suppose that these works and studies would have furnished at least full employment for a man of 27. But we are informed, that he found the means to learn, at the same time, the French, the Spanish, the English, the German, and Russian languages; making of the three last small grammars of his own to facilitate the acquisition. The two works mentioned were so far from engrossing the attention of this great man, that besides a compendium in Hebrew and Italian, he had composed seven other works on subjects connected with Hebrew and Rabbinical literature, which are all mentioned in the preface to the compendium. It does not appear that they were printed. While a list equally long, of works planned and partly composed, leaves one at a loss to conceive how he was thus able, in a few years, to bring to pass the productions of a life.

The early merit of de Rossi was perceived, and in this same year, so fruitful of his works, he was appointed to a post in the Royal library. Few months, however, elapsed, before he received the still more honourable call of the duke of Parma, to the chair of the oriental languages, in the University in that city. The letter of invitation was accompanied with an order of the minister to prepare some oriental poems, for the impending nuptials of his new master; which, with exemplary promptitude, he did before leaving Turin. A severe illness, which threatened his life, and left a weakness from which he has never recovered, cast a shadow over the pleasing prospects, that were opening on the professor. The first moments of recovery were devoted to study, and the fruit was a *Dissertation on the epoch of the first origin and variety of languages*, against Vitringa. This was followed by three other dissertations *on the native language of Christ and the Jews of Palestine*, against Diodati, who had published a work of

great learning and acuteness, *de Christo græcè loquente.* While these works were in a course of composition, Professor de Rossi prepared manuals and text books for his various lectures, and divided his course of Hebrew instruction into three years, which the students of theology were obliged to attend. At the close of the year 1772, he published a *confutation of the vain expectation of the Jews of their king Messiah, from the fulness of all the periods.* Professor de Rossi remarks of this work, 'I treated these arguments, very convincing as they are, and not hitherto separately discussed, in a new order, and with a new and rare erudition, the fruit of long and laborious reading of the Jewish writers.'

In the following year, 1774, Professor de Rossi took occasion of the baptism of the newborn prince, to compose twenty inscriptions in as many different languages, celebrating this event. These were printed with the newly cast types of the celebrated Bodoni, also a Piedmontese, whom the duke's liberality had drawn to Parma, and who, after signalising himself throughout Europe, for the splendor and correctness of his typography, died about four years ago. The twenty languages, in which Professor de Rossi composed the baptismal inscriptions for the prince, were the Hebrew without points, the Hellenistic,* the Rabbinic, the Syriac, the Chaldee, the Palmyrene, the Turkish, the Hebrew with points, the Coptic, the Estranghelo-Syriac, the Samaritan, the Arabic, the Phenician, the Persian, the Greek, the German, the Egyptian, the Armenian, the Etruscan, the Carthagenian, and the Latin. At the same time he attempted to decipher a Phenician inscription, which had been lately discovered at Cagliari; and to illustrate a Saracenic distich of Theodosius the deacon: the former in an Italian letter, published in the Efemeridi di Roma of the year 1774, and the other in a Latin one, printed in the last volume of the Storia Byzantina in the same city.

* By Hellenistic, we understand our author to mean here the Alexandrian dialect of the Greek. It means properly that form of the Greek language, which arose out of the Attic dialect, purified of its most marked peculiarities: the court language as it were of Greece, after the age of criticism had succeeded to the age of invention. See Buttmann's Greek Grammar § 8, and Matthiæ's Greek Grammar § 7; where there is an unsuccessful attempt of the editor of the English translation to correct the statement in the original. The modern Greek authors understand by Hellenistic the ancient Greek, in distinction from the Romaic.

The following year, 1775, brought forth a still more magnificent collection of Polyglot inscriptions, upon occasion of the marriage of prince Emmanuel of Piedmont, with a French princess. Twenty four of the most conspicuous cities of Piedmont were introduced, saluting the royal pair in twenty four addresses, in as many different languages, all in different characters, of the Bodoni foundery, and adorned with emblematical engravings, relative to the cities respectively, by the first Italian artists. Besides the languages in the former collection, there were introduced in this, the Ethiopic, the Jewish-German, the Gothic, the Russian, the Tibetian, the Illyrian in the hieronymian character, the Sanscrit, the Illyrian or Cyrillic-Sclavonian, and finally the Georgian. 'Of these languages,' says Professor de Rossi, 'there were several—particularly of the Asiatic—which are very abstruse and hard. This could not but make the undertaking for a single person, and him a European, extremely arduous; and even hazardous, inasmuch as whenever at Rome and elsewhere, there is a proposal of similar Polyglot productions, though of much less extent than this, many learned men and the natives, best acquainted with their respective tongues which can be found, are employed in composing them.' After having finished this splendid work, and published a defence of the one above mentioned, on the Vain Expectation of the Jews, Professor de Rossi turned his attention to the subject of Hebrew bibliography. From the mass of editions of the fifteenth century and of materials relative to the subject, which he had been long collecting, he published, the following year, his work de Hebraicæ typographiæ Origine et Primitiis, which was received by the learned with great applause, and two years after reprinted in Germany. He afterwards pursued this subject much farther, and after a lapse of twenty years, published his *Annali Ebreo typografici* del sec. xv.

Two years after the first mentioned work, appeared a specimen of the Syro-Hexaplarian bible, from a very valuable manuscript in the Ambrosian library at Milan. This specimen contained only the first psalm, but this was given in the Hexaplar Syriac of the Ambrosian manuscript, in the common simplex (the peshito,) with their respective sources the Greek and Hebrew, and Latin translations of both. The Origenian Notes were added in the margin, and in the beginning was a diatribe on the rarity and value of this codex, and

the version it contains, and on the celebrated hexaplar codex of Masius, which was the first volume of this. This little specimen was very acceptable to the learned, and often reprinted in Germany. More luminous specimens of whole books, as Daniel and the Psalter, have since been given by Bugati, librarian of the Ambrosian.

We come now to the work, on which Professor de Rossi's fame chiefly rests, in the Extra-Continental World, viz. the collection of various readings of the Hebrew Old Testament. It is well known with what interest this subject of the various readings of the Old Testament was regarded, by the biblical critics of the last century. The success of the collations which had been made of the manuscripts of the New Testament, and the great light thrown upon the Greek Scriptures, by the labours of Mill and Wetstein, led scholars to look with eagerness to similar labours for the correction of the Hebrew text. It was doubtful how far the masoretic revision pervaded the existing Hebrew manuscripts—there was no positive reason for despairing of manuscripts, which should contain a text older than these diligent grammarians,—and there were strong hopes felt that families and classes would be discovered, in the written copies of the Hebrew Scriptures, similar to those, which have been traced in the manuscripts of the Greek Scriptures. It is well known to the biblical student, that these expectations have been disappointed. No ante-masoretic text has been discovered: and as the lawyers, who compiled the pandects of the civil law, have by the success of their labours occasioned the loss of the two thousand volumes of preceding jurists, which formed the basis of their labours; so the grammarians of Tiberias, whatever service they did the Hebrew text, have at least cost us all the means of correcting it, which a comparison of older manuscripts would have afforded. But to return to our author, Kennicott's collation of manuscripts of the Old Testament, which appeared about this time, served no other purpose, with Professor de Rossi, than to inspire him with the idea of attempting a more perfect one. He had already in his hands a good number of Hebrew manuscripts which had never been examined, and proposed to make a journey to Rome, and other parts of Italy, in the double purpose of augmenting the number of his manuscripts and editions, and collating manuscripts which had not been exam-

ined by Dr. Kennicott's agents. He succeeded in both, to his entire satisfaction. In one library, he discovered seventeen manuscripts of the Hebrew bible, which had escaped former collectors; and in Rome six entire libraries, which had not been entered in behalf of Kennicott. As an earnest of his discoveries, a small specimen of a very valuable codex, in the private library of Pope Pius V, with an appendix relative to the famous Barbarini tritapla Samaritan Codex, was published in Rome by Professor de Rossi in 1780, and reprinted the year after at Tübingen.

Returned to Parma, he yielded to the requests of two friends, in composing the history of Hebrew typography in Ferrara and Sabionetta, in two commentaries filled with curious erudition relative to the editions of Hebrew Scriptures, in these cities. They were speedily reprinted, with additions by the author, in Germany. These were followed by an appendix to Masch's edition of Lelong's Bibliotheca, in which account is given of various editions, which had escaped both Lelong and his editor Masch.

'These however,' says Professor de Rossi, 'were but small digressions; the main object of my labours was the great work of the Various Readings. I had, in the specimen of the Codex Pontificus just mentioned, announced my work, and promised that it should be more perfect, ample, and correct, than the English collection. I had moreover confuted a patriotic assertion of Kennicott, who boasts his country to be richer than all others in manuscripts of the Hebrew Scriptures; while Italy, nay a private Italian (himself), possessed a much larger number; and in point of editions possessed as many as five copies of an ancient and rare edition, *of which Kennicott maintained the only copy extant to be in England.*' Shortly after the appearance of the program, announcing the plan of this work, Professor de Rossi published his *Apparato Ebreo-biblico*, containing a description of his codices—and so advantageous were the opinions which were excited by it of the expected work, that an adequate number of subscribers was immediately obtained, and the first volume, containing the prolegomena, key to the codices, and three first books of the Pentateuch, appeared in 1784. Every one is acquainted with the merits of this work. The three other volumes followed in 1786, 1787 and 1788; and Professor de Rossi had, as he observes, the satisfaction to finish of himself in a little

less than four years, an undertaking which had occupied the English editor, with so many subsidies, twenty years.

We find but a few years repose, after the incredible labours of this work. In 1795, Professor de Rossi published the Annali Ebreo-typografici del sec. xv. mentioned above. This work, in three parts, treats first of editions with a date, second, of editions without a date, third, of false editions; the whole arranged in chronological order, and illustrated in an ample commentary. 'Whoever,' adds Professor de Rossi, 'cherishes the opinion formerly universal, that the edition of Soncino was the first, will not read without surprise, in my dissertation, that there are twenty seven editions quoted there, anterior to the Soncino, and nearly all in my possession.'

After having published, in 1799, an appendix to the great work on the various readings, containing subsequent collections, Professor de Rossi pursued the subject of Hebrew bibliography, in a work, entitled Annales Hebræo-typographici ab Anno 1501 ad 1540. The editions described in this work are also very rare, printed for the most part in Constantinople and the Levant, and taken from manuscripts. Before commencing the work, he collected one hundred and fifty of these editions. In the following year, appeared Bibliotheca giudaica Anticristiana, containing an exact description of all the works of the Jews against Christianity: a performance rendered considerably interesting by the rarity of these books, and the jealousy of the Jews, with respect to this circulation. This performance was but the forerunner of another, of still more general interest, viz. the *Dizionario Storico degli Autori Ebrei*, in which all that is valuable in the large works of Wolf and Bartolocci is reduced into a convenient compass, innumerable omissions supplied, and errors corrected.

Professor de Rossi had been all his life collecting a library of manuscripts and rare editions, of which his works are at once the evidence and the fruit. Proposals from several princes—the king of Spain and the Pope—were made to him to dispose of it, but he had determined not to deprive himself of it, till he should have published a catalogue raisonnè of its contents. This he finally accomplished in 1803, and the result of it is, that the library contained in the whole 1571 manuscripts, of which 1377 were Hebrew, and 194 in other oriental and European languages. More than 1070 are on parchment: a few hitherto unknown, unique, and original:

and several hundreds inedited. Of one of these, a pentateuch, with the inedited commentary of R. Immanuel, a manuscript in five thick folios, we were told in the ducal library at Parma, that the Jews of Holland offered to buy it for its weight in gold. Among the other Hebrew manuscripts, was a large collection of manuscripts of the Karaite Jews, which furnished the materials to a work not yet published, by Professor de Rossi, called *Biblioteca Caraitica*,—from which much light might be expected to be thrown on this curious and little studied branch of judaic literature. There were several very valuable Latin classical manuscripts—one or two Greek evangelistaries of antiquity—a Dante written in the poet's life time, and several Petrarchs, one of which was the basis of the second Cominian edition. Since the publication of this catalogue, Professor de Rossi has acquired many manuscripts, among which are fifty two Hebrew ones. Among the inedited Rabbinical works, one of the most valuable was the Lexicon of Parchon, older than that of Kimchi, and of which Professor de Rossi had two copies. Extracting from this the most obscure and difficult words, he formed a small work, under the title of *Lexicon Hebraicum Selectum*, which was printed in 1805, and in the same year appeared a dissertation on the Koran published at Venice at the beginning of the sixteenth century, of which, as no copy is known to be extant of it, the existence had become problematical, Professor de Rossi, however, establishes the certainty of it. In the following year, 1806, appeared a specimen of the inedited commentary of R. Immanuel, mentioned above.

Anxious to render those services to the Arabian literature, which certainly, more than any other modern scholar, he had rendered to the Hebrew, Professor de Rossi composed and published, in 1807, a *Dizionario Storico degli Autori Arabi*, which should serve as a compendium, supplement, and correction of the larger works of D'Herbelot and others. Immediately after the publication of this work, appeared *Sinopsi delle Istituzioni ebraiche*, with a Hebrew anthology subjoined. Returned from a journey in Piedmont, undertaken after the appearance of these works, Professor de Rossi solaced the pains of a violent attack of the gout, by an Italian translation from the original of the Psalms. The translation was printed in 1808, and followed the same year, by the Annals of Hebrew typography in Cremona, written to oblige

a learned Cremonese friend, in which are described forty-two editions of the Hebrew Scriptures, published in that city. At the close of the year, appeared *Dizionario bibliografico dei libri rari Orientali*, an enumeration and description of the most rare and curious works in the Hebrew, Rabbinic, Chaldee, Syriac, Samaritan, and Arabic languages.

The following year, 1809, appeared the translation of Ecclesiastes into Italian, a work which was followed by a collection of impressive sentiments from the Psalms, both of which appear to have been undertaken by Professor de Rossi, with ascetic views; and for the relief they afforded to a mind fatigued with the vanities of life. In the same year, appeared the memoirs, of which the title is given at the head of this article, and from which its contents are derived. It is now nine years since the publication of this work. In this interval, Professor de Rossi has not yielded to the lassitude of age; and has furnished as memorable an exemplification, as we have ever met, of the Nil actum reputans, dum quid superesset agendum. In 1810, appeared from his pen an Essay on the origin of printing in engraved tablets, and on a xylographic edition hitherto unknown; in 1811, a Compendium of Sacred Criticism,—in 1815, an Introduction to the Study of Hebrew, and in 1817, an Introduction to the Sacred Scripture; while, as he informed us recently, he has now in the press a System of Hermeneutics.

Professor de Rossi is at present seventy six years old, and though not free from the weakness of age, still in full possession of all his faculties, and with an appearance and countenance far behind his years. The number of his printed works amounts to fifty one, and of works unpublished, commenced, and planned, eighty one. If some of those published be small, they are all such only as a man of consummate learning could produce, and a few seem of themselves a life's labour. Professor de Rossi has lived for letters, more exclusively than most scholars of the age, and without having reached any thing, that can be called dazzling as the recompense, has had the more solid reward of uniform success, respectability, and competence. His works have procured him pensions from his native, as well as his adopted sovereigns; and among so many and such various productions, there is not one, which has ever been accused of being superficial or inexact. The work before us, if less fruitful of inci-

dents, than some of the more tumultuous biographies, pleases one more by the invariable cheerfulness of the narration, the contentedness of disposition it displays, and the picture it presents of the attainment of the desired end, by the patient application of the regular means. There is not a sigh over the caprice of fortune, or the neglect of merit. Not a depreciating remark of a contemporary. If there be a little of the self-complacency of age, there is none of the moroseness nor the sadness; and surely a little self-complacency may be pardoned in one, who stands second to none of the age in his labours in the cause of learning and religion. One branch of the department of learning, to which he devoted himself, may be considered as nearly exhausted by the works he has published. Certainly no new collation of Hebrew manuscripts of the scriptures will be ever attempted, unless some accident, of which we have now no conception, should bring to light an ante-masoretic text. The pretensions to such a text, made by the late Dr. Buchanan and the editor of the fragment brought by him from the East, are on a par with the pretensions of the original Latin gospel of St. Mark, preserved at Venice. Of the Rabbins, we confess, we think more use might be made. Like the Greek scholiasts, they have been too much or too little consulted; and while one generation of critics, such as the Buxtorfian or the Danzian, has borrowed too blindly from them; it is perhaps an equal fault on the other side, that they have been treated with unmerited contempt.

We have taken the more pleasure in making this abstract from Professor de Rossi's Memoirs, for the proof it furnishes, that the catholic church is not wholly inattentive to those studies, which the protestants are apt to think are confined to themselves. Of the sacred critics living, few names will take precedence, in the estimation of posterity, of de Rossi at Parma, of Jahn at Vienna, or of Hug at Frieburg; the two former, and we believe the latter, not only catholics, but priests. If to these be added Dr. Geddes, who belongs to this generation, there is certainly no branch of literature of the Old Testament, which will not owe nearly as much to catholics, as to protestants.

It is also pleasing to behold in Italy—almost the last land one would wish to see an ignorant land—bright examples still occurring of that noble φιλοπονία, which it is thought had almost wholly emigrated beyond the Alps. If this country, the native one of so many arts, had no other names to show

than those of Caluso of Turin, and Marini and Visconti of Rome, all deceased within a few years, the last within one and a half, of Mai at Milan, de Rossi at Parma, Morelli at Venice, and Mezzofante at Bologna, it might still claim for this generation an equal division of learned fame, with almost any of the past. One superiority they may perhaps be allowed to possess, over the mass of transalpine scholars, and it is surely that, which ought to be regarded with least jealousy, the writing of Latin. Not Gessner, nor even Ruhnken (whose Dutch abridgment of Scheller is the best manual Latin dictionary) have made Forcellini, who was thought to write Latin better than any man of his day, less acceptable; and even Foscolo, though a Greek by birth, amidst the distractions of a political and military life, in these revolutionary times, has entered into the varieties of the Latin language, with the delicacy of a native; leaving you at a loss in his Didymus, which most to wonder at, the exactness with which, in the work itself, he has caught the ungraceful but expressive rudeness of the vulgate; or the ease with which, in the preface, he passes from the elegant fluency of Cicero to the precision of Sallust.

The volume before us closes with a complete catalogue of the published and unpublished works of the author. Of these we are happy to learn that copies of the greater part have recently been imported for the university library at Cambridge.

ART. II.—*Mississippian Scenery: a poem descriptive of the interior of North America. By Charles Mead.*

> With contemplative solitude imprest
> I sing the shady regions of the West.

Philadelphia, Potter & Co. 12mo, pp. 113.

THE historians inform us that a remarkable change has taken place in the business of poetry and prose.* Poetry is

* Lest we should haply be accused of plagiarism for this sentiment, we think it safe, to set down the following verse:

> There was ere prose began, they say, a time,
> Ere learned scribe with men had lot or part;
> But fact or fable, all was told in rhyme,
> And came unlearned and reached untaught the heart.
> 'Twas *spirit* all—high nature did impart
> Her gift undelved for, wheresoe'er she chose;—
> At length the *letter* came, and with it art,
> The poet's race declined, the writer's rose,
> Till verse itself displays sad kindred oft with prose.

the oldest of the two; if one can believe these same historians, there was positively a time when there was nothing but poetry. History and geography, morality and law, war and love, grammar and logic, were all and equally dealt out in the poetical form. The muses got possession of the provinces, where you would least expect them—took into their hands, with equal ease, the truncheon, the ploughshare, and the sceptre, and ruled undisputed over the whole of those domains, which should be the natural and fair inheritance of plain honest prose. With the progress of mankind this was put to rights. As better notions of justice prevailed, these ambitious ladies were expelled from the territories, which they had holden to be sure from the first, rather as a derelict than a fair inheritance, and because there was no prose to put in a claim. A partition ensued; generals and lovers, heros and fair maidens, the heart and the moon, and disinterested friendship, and dreams, and the rainbow were handed over to poetry; while prose took charge of duty and truth, history and law, eloquence and science. This division has been kept up ever since, to the great advantage alike of the labouring writer and the labouring reader. The fancier of poesy is no longer obliged, as in the first age, to busy his mind with a thousand indigestible matter-of-fact topics; nor is he, who deals in the substance of literature, teased with picking it out of the whipped syllabub and floating island, the trifle and the flummery of the muses. We are mistaken, however, if a disposition is not discovering itself, to violate this wholesome neutrality. Things seem to be going by degrees into the opposite extreme. Prose, who is at bottom a sly encroaching dog, seems disposed to revenge the indignities, which he suffered in the beginning from his smarter sister, and despairing of now making head against her, in the open field, is resorting to artifice and disguise. We have detected him more than once tricked out in his sister's finery—tripping along in her mincing style—and trying to pinch an air out of the corner of his lips, and so passing himself off upon honest, unsuspecting people, as the real muse. Now as this is a violation of the original articles of partition, and in itself a fraudulent, unworthy thing, we feel it our duty, as trustees of the settlement, to lay open the deceit, wherever we find it. It is incumbent therefore on us to inform our readers, that the work before us is but a new instance of these frauds, which are getting but

too common among us. Notwithstanding the word *Poem* on the title page, and the capital letters at the beginning of all the lines, and the rhymes at the end of some of them, we assure the lovers of poetry, that it is a sham; and either a fraud, or as we are more charitably inclined to think, a waggery on the part of their shrewd old friend *Prose.*

If this were indeed only an honest piece of waggery, we should let it pass, without rapping our sly old acquaintance over the knuckles. But inasmuch as several of our best friends have sunk a good deal of capital, in filling their shelves, by way of ornament, with books under the name of poetry, which hove turned out, in the end, to be only prose plated, we have resolved, once for all, to give them a few rules, by which they may almost always detect the counterfeit. If, however, any case should occur in which, notwithstanding these our rules, they are unable to decide, they have only to send the article in question to our bureau, postage paid, and may rely on having it decided upon gratis.

First, The real, genuine poetry is modest, select, chastised: she chooses no glaring, vague, and undefined field to show herself in; but fixes on some one deep affection, strong passion, exalted idea, lovely or dreadful scene, or marked character, and exhausts her whole soul in adorning that. This is the beautiful secret of *unity*, which the pedants of the Alexandrian or Parisian school have eternally enforced, and never understood; thinking to find it in time, and place, and action, when it was to be sought in the spirit, character, and soul, if we may so say, of the subject. *Prose*, on the other hand, is a most gluttonous fellow; he will submit to no such limits: he will forsooth write you a history of two thousand years, or insist upon your letting him talk to you, through fifty folios of Reports, from the Conquest, down.—This is a sure characteristic; and one by which you may detect him here. *Mississippian* scenery, indeed! None of your Troys or your Æneases; none of your Wyomings, a single village on the Susquehanna; none of your Windsor Forests, or your Loch Katrines, for him. Nothing but the Mississippi, from New Orleans to the Lake of the Woods, with proportionate digressions for the Ohio and the Missouri.

But when he begins to treat his subject, honest Prose shows the cloven foot still plainer. The muses, of course, with all the little sylphs and beauties of their train take flight, the

first moment he shows himself. He gives chace to them to be sure, and would overtake and press them into his service, but he seldom succeeds in seizing any thing, beyond a capital letter or two, which he puts up like a lying sign-post before a country inn—and a few limping rhymes, too lame to escape from him, in the flight of the rest of the poetical train. This class of rhymes abounds in the work before us. *Smiles* and *wilds*, pp. 13, 15, 26, 38, twice p. 39, 42, and 57; *stream* and *unseen*, pp. 14, 27; *way* and *sea*, p. 15; *rear* and *air*, p. 17; *prowl* and *stroll*, p. 18; *attire* and *there*, p. 19; *shores* and *bow'rs*, p. 22; *shore* and *fire*, p. 23; *spread* and *shade*, p. 23; *winds* and *shines*, p. 24; *winds* and *designs*, p. 100; *shore* and *tow'r*, p. 26; *shores* and *wars*, p. 100; *reign* and *plains*, p. 29; *roam* and *own*, p. 48; with others equally decrepit, show what a poor huntsman Prose is, even of this smallest sort of poetic game. Then, too, his cruelty to the poor creatures, when once taken; instead of fulfilling their office once, and then being allowed to run again, he keeps them at the task, till they are fairly worn down.—*Skies* and *rise*, in the course of the poem, are made to do duty fifteen times; *floods* and *woods* no less than ten; and *smiles* and *wilds*, in plain violation of the ceremonial law against ploughing with animals unlike, are most unrighteously yoked together on eight several occasions.

But mere capital letters and rhymes, especially such ill-assorted ones, would not, of course, suffice so resolute a dissembler as Prose. It is *words*, that help him out with the rest of his disguise; idle, feeble, high sounding, misplaced words, that stun the ear and mean nothing. He does not so much as dream that words, to be of any use, must be appropriate and expressive; he heaps them up, and strings them together, and crowds them on, and bears you down with them, as a clever general puts his ragamuffins in the van, to fill up a trench with their carcasses. Thus in the poem—we mean the prose before us, the deceiver strays through a *world of woods*, where, singular property, *sylvan* shades imbrown the face of day. Moreover, in this same wood, which is so sylvan, he strays in solitude, and that solitude is—lonely. We need scarce tell our unpractised readers that, in poetry, all this is otherwise. Every word there tells, has a meaning, sets an image before you, or at least soothes the ear with some sweet cadence, without pur-

chasing even this charm by an entire inanity of sense. Search the masters through, and you will find them in nothing marked more strongly than by the 'words that burn;' and it must be in a dozing hour indeed of a real poet, that you hear him talk of sylvan woods, or lonely solitudes, or green verdures.

Another thing, which will often furnish you with the means of detecting this prose in disguise is the mode of handling the far-famed *parts of speech.* Poetry, real poetry, either from genius or from long habit, manages these troublesome personages with comparative ease; and notwithstanding the shackles of rhyme, trips along with lightness and grace, under the weight of nouns and pronouns, number and gender, mode and tense. Not so unlucky prose. No sooner does he leave his own domains, and attempt an open or a disguised inroad into his sister's borders, than the mischievous demons of grammar begin to play a thousand wicked pranks upon him. He, good gentleman, not knowing very well who of them belong together and who apart, is imposed upon by their impudence, and allows them to go hobbling along through his verse—singulars with plurals, and present tenses with past ones—and thinks the merry spectators are smiling at his wit instead of his awkwardness. Tested by this scale as by the others we shall find the work before us, to be plain, sad prose. We have 'commerce roll,' for commerce rolls; 'sea encompass,' for sea encompasses; 'Ores embosomed in the earth *was* brought,' and various other weaknesses of the like nature, which show what a silly fellow this Prose is, voluntarily to put on the straight waistcoat of the muses.—To be candid, however, we allow that in falling under the weight of grammar, he falls in noble company. Good plain English grammar, the true old fashioned discipline of noun and verb is, after all, the great *crux* of our draughters of reports, our makers of speeches, and our writers of despatches. Eloquence, style, effect, these are easy matters, and you cannot take up a report on the Seminole war, or a statement of the affairs of the Bank, but you find it as flowery as a May morning. Eloquence, as Mr. Burke says of slavery, is a weed that will grow in any soil; we have a right to say so, who are producing it in every exposure from the Senate down to the dinner table. But, as the white clover cometh in with the strawberry, and it hath been observed that where the first

growth is oak, the second is wild cherry, so it cannot be denied that what the orators have gained among us, the grammarians have lost; that tropes and metaphors have fattened on the nouns and verbs; and a rank, flourishing solecism shot up under many of the most promising plants, in our oratorical gardens. So far has this run, that some charitable persons have cast about for a remedy. And as it is a practice in some foreign Universities for the ingenuous youth, before taking their degree, to employ a veteran under the name of a grinder, to teach them a few phrases of customary Latin, so these benevolent persons have recommended that our eloquent men of the description alluded to should, before appearing in public, employ some competent person to grind a little English into them.

But it is more than time to revert, for the sake of bidding adieu, to the production before us. Our readers may be inclined to find fault with us, for having taken up their time and our own, on a production altogether without merit, and which has no other claim to protection than that of insignificance. This claim we should have allowed, had not the number of similar performances been of late gaining upon us; and did we not think it now and then well to stoop from the gravity of sustained discussion, for the sake of preventing riots and scandals, from getting high in the basement story of the literary edifice. We need not here or ever say, that our severity proceeds from no personal motives, as we never had the happiness of meeting the author's name, but on the title page of the work in question. Whatever may be his claims to respect as a man, of which we know nothing, he certainly has none to indulgence as an author. One embarrassment he has thrown us into; we found an explanation of his poetry as prose disguised: but on reading his notes, we want a new name, lower than prose, for composition without common grammatical correctness, or reasonable propriety in the use of words.

Art. III.—*Discourses on various subjects; by Jeremy Taylor D. D. Chaplain in ordinary to King Charles I, and late Lord Bishop of Down and Connor.* Boston, Wells & Lilly, 3 vols. 8vo, 1816.

Some years since, it was wished by many of our scholars, that the works of Taylor, Barrow, Bacon, and Hooker, with

some other writers of that class, should be reprinted in this country. It was thought that an undertaking of this kind would be well received, and might be expected to produce a beneficial and permanent effect upon our literature. Taylor was selected as the most popular of these writers, and the work which stands at the head of this article was published in this town. But the experiment failed; the edition passed slowly from the hands of the publishers, and the original design has been given up.

Many of our literary men lamented this circumstance, as indicative of a bad taste among us, and some regretted it the more, as it seemed to them a rejection of the remedy, which would be likely to correct the evil. It will scarcely be denied that modern literature is wanting in many important points; and it is equally certain that many, both here and in England, whose information and good sense should give great weight to their opinions, believe that its defects might be corrected, and the public taste purified and reformed, by the study of works like those of Taylor and his contemporaries. There are others who continue firm in their adherence to the writers of Addison's school, and will not admit that they have produced, or can produce, an injurious effect upon the character of mind and literature. Both of these opinions have the sanction of high authority, and it may be worth while to examine which of them be wisest, and with what limitations that should be adopted, which, on the whole, we find reason to prefer.

We conceive it to be the true and legitimate object of literature, to improve the mind, to fill it with that knowledge which is power; not so much by adding to its stores, as by enlarging its faculties and resources; not to make discoveries and fix principles, for that is rather the business of science, but to form an intellectual habit, which shall be sound, healthy, and vigorous. When the literature of any age or county seems calculated to produce this effect, we should consider it valuable and excellent; when, on the contrary, it appears to enfeeble or distort the mind, when its prevailing spirit resists the natural expansion and development of the intellectual faculties, we should pronounce it to be faulty and mischievous. Let us determine by this criterion, whether we would have the minds of our countrymen nurtured and disciplined by a literature formed upon the model of Taylor and his contemporaries, or upon that of Queen Anne's wits.

If we compare the literature of England, in the beginning of the last century, with that of the age immediately preceding, we shall find that it has much less strength and much more polish; that vigour and originality were exchanged for excessive refinement; that it had been rough and rude, but gigantic in its strength and proportions and full of the wildness and grace of nature; that it became gentlemanly and courtierlike, effeminate and weak. Its great fault, at the period mentioned, is a want of life and energy, which is precisely what we should have expected from the unfortunate mistake of its creators and their followers, in preferring cold and spiritless correctness, and faultless mediocrity, to the unrestrained and unsubdued vigour of a strong and independent mind.

The faults of their immediate predecessors, with regard to style, were ruggedness, extreme inequality, and the occasional indistinctness, incident to that period in a language, in which the meaning of many words remains as yet unfixed. These faults they anxiously and successfully avoided; and substituted for them a polished and wearisome monotony, and an elaborate exactness and perspicuity, which certainly weakened their language, and perhaps narrowed their thonghts.

Their minds seem to have acted within narrow limits; their reflections and inferences have too often little of originality, comprehensiveness, or power. Very much afraid of committing themselves, they were sure never to say any thing, which could possibly be placed in a ridiculous light; hardly wishing to delight, they were contented when they amused the imagination, or roused the reasoning faculties to slight and momentary exertions, without offending against the laws of good sense or of good taste. There is nothing in their works which could be taken away without lessening their value,—but there is nothing there which tells of a genius, whose native elasticity forced it into action; of minds which could not be restrained from spreading abroad their rich and overflowing stores.

This school of literature commenced with Sir William Temple, the first English author with whom we are acquainted, whose language is uniformly harmonious and polished. In this respect he loses little by comparison with more modern writers, and it is somewhat remarkable that his book upon the Netherlands is so little read that it seems to have lost its rank among standard English classics. It is written

in a chaste and simple, but elaborate style, closely resembling that which has been long thought to afford the best and safest model, and is moreover full of information, which we find no where else, but in those who have borrowed from him. He should certainly be considered as belonging to this school, if not as its founder, as in ten years after his death, his peculiar style was adopted and perfected by the writers of the Tatler, Spectator, and Guardian. The language had by this time become more settled and determinate, without having lost much of its richness and variety; and passages may be found in the works of the last mentioned writers, of exquisite beauty, uniting perhaps as much of strength, perspicuity, and simplicity, as the nature of the language will ever permit; yet we do not regard any of them as very great men, or any of their works as displaying uncommon intellectual vigour.

The poetry of that day was very analogous to the prose—sensible, correct, polished, and somewhat epigrammatic. It is a fashion with writers of a certain class to deny that there was then any thing, which may with justice be called poetry, but their assertions are too broad. Pope was a poet, and a very great poet, but unluckily a much greater wit. It was fortunate for his reputation, that he lived in an age prepared to admire the agreeable and witty style, which he carried to such perfection.

It is generally believed, that the peculiar character of the literature of that age, was owing to the French taste, introduced with Charles II. This circumstance however could not, of itself, have affected the literary taste of a nation in so short a time, and should, we think, be regarded rather as an incident favourable to the change, than as its principal cause. It has been sometimes referred to what has been called the revulsion of feeling, which naturally took place, at this period; when the stern and chilling fanaticism of the republicans suddenly ceased its hard and heavy pressure upon the spirits of men, and the gloom and austerity, which marked the court of an usurper who felt these to be his chief weapons of defence, were exchanged for the joy, festivity, and licentiousness, which surrounded Charles II, and seemed almost to emanate from his person. The gaiety and vivacity then suddenly infused into English poetry may be attributed to this cause, but it was wholly insufficient to produce so great a change in the character of English literature, as that which

took place between the ages of Bacon, Taylor, and Barrow, and that of Addison and Swift.

Another and a far more efficient cause had been long at work, in giving a new character to English literature, and had brought men's minds into such a state, that they were ready to bow to a false and factitious taste, like that of France at that period. We allude to the great increase of literary men, both of the reading and writing class, and to the formation of a literary profession—not to say trade—such as could not have existed in the ages, anterior to the art of printing; which had been growing up, by degrees, ever since that invention, but at the period in question first reached its height. In proportion as books were easily and rapidly multiplied, knowledge became a comparatively easy attainment, and reading a cheap amusement; accordingly the class of readers, before confined to a few, whose situation was peculiarly favourable, or whose thirst for knowledge overcame all difficulty, increased gradually to an almost unlimited extent, and comprehended all but the very lowest ranks in society. When a book was a rarity, readers were 'few and far between;' they were not numerous enough, nor closely enough connected, to know or exert their power. He who read for his amusement, was grateful for his pleasure to its authors; and if he studied with a higher object, if the consciousness of talent urged him to strive for the privileges and rewards of learning, he willingly paid to those who had preceded him in his path the deference and admiration he hoped one day himself to receive. Never perhaps, but in the golden days of Grecian literature, were learned men held in so much reverence, never have they exerted such extensive and powerful influence, as during the dark ages. There were few whose intellectual energies were strong enough to overcome the obstacles with which the scarcity of books and the general character of the age obstructed the path of the aspirant to literary fame; but he, who succeeded in spreading his fame beyond the walls of his monastery or college, found the toil requisite to climb the steep amply repaid by the eminence of its summit, and the security of the tenure by which he held his station there. All this, both the previous difficulty and the subsequent reward, was exactly adapted to the encouragement of great minds and to the conception and execution of grand designs; for it gave hardihood to the intellectual character, and free-

dom and confidence to its efforts. In the ages immediately following the invention of printing, before learning had lost its rank and consequence by becoming an universal pursuit, and while, on the contrary, a fresh *stimulus* had been given to the exertions of great minds, by an art which provided new means of bringing to account the acquisitions, which should render them famous—the writers, who have been well called the giants of English literature, appeared and shed upon their country a glory, which is not to be extinguished. Then it was that such works as Hooker's Ecclesiastical Polity and the Novum Organum, were added to the treasures of mankind.

The number of reading men had of course been very much increased by an invention which made it easier to copy a book a hundred times, than it had been to copy it once; and the class of authors was enlarged in proportion. It had become comparatively easy to acquire an extensive, if not a permanent reputation, the trade of authorship was found profitable; and as they, who have not tried it, are apt to think it an easy one, it was soon crowded with those, who might have exercised any other trade to more advantage. As there are unworthy members in every trade, the literary character was soon degraded; it lost its grandeur and nobleness, and no longer deserved or received the homage which had once been paid to it. It became part of the business of a scholar's life, to examine with strict and jealous scrutiny the works of rival authors, to depreciate their excellencies, to hunt up every lurking fault, and point it out to the less discerning eye of the multitude. Readers too became in their turn critics, and the literary public composed a formidable and despotic body, whose tastes were to be consulted, and whose authority was not to be treated lightly. The time had passed when men received with confiding and indiscriminate gratitude, whatever the master spirits of the age thought proper to dispense to them, and it was their turn to be treated with deference and attention, to be soothed and conciliated.

The author no longer wrote with the boldness and independence of commanding genius, for his spirit was subdued and the activity of his mind impeded by the restraints, which he felt it to be necessary that he should impose upon himself; he could no longer expect that they, by whose judgment he was to abide, would appreciate his merits and faults fairly,

or perhaps be willing to pardon a little that was bad, for much that was excellent; for his competitors were his judges. He had to fight his way to fame, through a host of jealous and watchful rivals, and he must come to the field armed at all points. Such was the system of constraint, under which authors found themselves obliged to live, to write, to think. Admirably was it calculated to

> ——— hurt the faculties; impede
> Their progress in the road of science; blind
> The eyesight of discovery; and beget,
> In those that suffer it, a sordid mind
> Bestial; a meagre intellect.

A school of literature arose under its operation, characterised, not indeed by 'the sordid mind bestial,' but by something which we think very like meagerness of intellect. Without pretensions or pedantry, it is finished to perfection; with nothing about it which could by any ingenuity be made ridiculous, it is sensible, sustained, cheerful, and often witty. This is all very well and has its value, but we want something more, and if excellence of this sort is not to be attained, but by the sacrifice of what is far more valuable, we think it better not to aim at it.

It may be said perhaps, that the two essentials of good writing, strength and refinement, have no such invincible repugnance to each other, that they cannot be made to unite—cannot exist together, and this is undoubtedly true, to a certain degree. A very sensible man will not only have distinct, and enlarged, and accurate conceptions, but he will be likely to clothe them in language at once forcible and correct; disfigured neither by unsuitable and meretricious ornament, nor by obsolete or vulgar phraseology. And this is quite enough; a more exclusive attention to manner would be not only superfluous but injurious in its effects upon the mind. So far from thinking it a desirable thing that all good writers should, to use the common phrase, be formed upon the same model,—should resemble each other as much as possible, we think it high praise of any composition, which is not singularly bad or foolish, to say that it is not cast in the very same mould with other works, that it has individuality of character. If a writer be continually and anxiously striving to give his sentences the precise form and structure, which he admires in another; if he weigh and balance every word and

phrase, if he modulate the cadence of his periods until they harmonize exactly with those he has selected for imitation, how can his mind expand, how is it possible that he should think vigorously? One of two things must happen; either he will succeed in his endeavours, and become a humble imitator, a distant follower of the master to whose authority he bows; or if his intellect be strong enough to resist the cramping, belittling discipline, to which he subjects it, he will become original in spite of himself; for there never was an author of distinguished and deserved eminence, who had not a style, a manner of thinking and writing, a character of mind, peculiar in a great degree to himself.

The literature of Queen Anne's age cannot be said to owe its peculiar character—unless our theory be wholly wrong—to the individual tastes and voluntary efforts of the writers of that period. The spirit of the times, which had gradually received its bent from causes long in operation, demanded and compelled them to adopt a style of literature, which their habits were singularly well adapted to perfect. It would be foolish to say that Addison was not a sensible man. He had undoubtedly fine taste, sound discriminating judgment, and much playfulness of fancy; but if we may judge of the character of his mind, from that of his works, we should think its excellence consisted rather in the absence of all that is bad, than in the presence of much that is very good. In defiance of his assertion that he, who writes a book, has great advantages over him, who confines himself to short and periodical papers, we believe that he could not have succeeded in any other kind of composition half so well as in that, which he had sense enough to choose. Desultory and unconnected essays are admirably calculated for minds which have not enough of vigor for intense, sustained, and long continued exertions. For his Saturday papers we cannot be too grateful; never was critical acumen more skilfully or usefully employed than in rescuing Milton from his comparative obscurity.

The style of Addison and Steele and their contemporaries, partly from its intrinsic excellence, but much more from its precise adaptation to the character of the age, took so strong hold of the national taste of England, that it cannot be wholly shaken off, even at this distant day; they however, who are in the habit of observing the signs of the times, assure us

that it is going out of fashion. The authors of the last century, who left the beaten track and dared to write better than Addison, are much better appreciated, more highly rated, than they were some years since. A young man may now read and admire Johnson, and even study the peculiar style which the grandeur of his conceptions and the extent of his thoughts in a manner forced upon him, without being laughed at for his bad taste, or incessantly warned of his danger. The best prose writing of the last twenty years, which must nearly all be sought in the literary journals and reviews, is marked by a tone of fearlessless and decision, sometimes degenerating into arrogance, but always indicating that the writers thought as they pleased, and said what they thought, without reference to any established models, and with as much strength and variety of expression as they could command. The Edinburgh Review may be considered both as a proof and a promoter of this change; in spite of the bad taste, extravagant opinion, and loose reasoning, which characterise some of its articles, it has done more than any other single cause to awaken the slumbering intellect of Great Britain.

In poetry the change has been more decided. It commenced with Cowper, whose genius could not submit to the thraldom of an unnatural and factitious taste. He had too much poetry in his soul not to feel that it was false, and too much independence to acknowledge its authority. When we come from the elaborate and artificial style, the ceaseless wit and epigram of Pope and his followers, to the nature, simplicity, and the pure and deep feeling of Cowper, is it not as if we had returned from a wearisome sojourning in a foreign land, and felt our hearts, which had been chilled and paralyzed by an heartless intercourse with strangers, again swelling with the joys, and affections, and sympathies of home? Cowper must be considered as the restorer of freedom, but freedom we all know is apt to degenerate into licentiousness, and the poets, who have succeeded him, especially those now living, seem to have fallen from one extreme into the other; their aberrations from a pure and natural taste are perhaps as wide as those of the writers whom they dread to resemble, but they are made in a different direction. However little else they may have in common with each other, they all, we think, exhibit instances of a reaction, a spasmodic and irregular reac-

tion against the artificial, unnatural taste, which for a long time subdued the poetic genius of England.

We have said that there are strong indications of an approaching or actual change in the literary character of that country, and some of their most sensible writers seem to think it very important that a right direction should be given to the movement, which has already commenced. It is a question how far this is possible. Great and permanent changes in national literatures have been usually, if not always, effected by the operation of causes, which were far beyond the control or influence of human agency. It would seem easier to cause an important revolution in the political, than in the literary world. Empires have been formed, supported, or extinguished, by the energies and resources of an individual; but no one man ever created a national literature, or imparted to one a marked and permanent character. We are not, however, forbidden to hope, that skilfull and judicious endeavours to reform and purify a national taste or to aid the development and direct the growth of one, which is yet in its infancy, will be partly at least successful. The evils which would be likely to beset its youth may be known and guarded against, those which would obstruct its progress may be removed by liberal and discriminating patronage, and it would soon reward abundantly whatever support and protection it had received. It is necessary that men who are eminent in the literary world should introduce and give the authority of fashion, which is powerful even in literary matters, to the best and safest models. As we have admitted that the authors, who flourished in England in the beginning of the last century, occasionally exhibit a wonderful mastery over their language, and have left some passages which at least approached perfection, it may be asked why we should not choose and study them as models? We answer, that we should make a wide and important distinction between their own intrinsic excellence, and that which they would be likely to impart; between what they are in themselves, and what they would be if proposed as models for study and imitation. We shall not enlarge upon what we have repeatedly admitted, that they have a great deal of genuine excellence, but we would remark that it is unfortunately of a sort, which renders it a dangerous model; it is altogether *negative*. There is nothing in its character, which could teach the importance

of vigorous and independent thought, nothing which could fill one's fancy with beautiful imagery, nothing which would 'move to high endeavours;' they are excellent and valuable, chiefly because they are free from inflation, pedantry, and affectation. The student therefore who should endeavour to form his style upon them would strive rather to expunge from his pages, what was bad and redundant, than to fill them with what should be good and essential; the current of his thoughts would be continually checked and impeded, until it ceased to flow with strength or rapidity; he would acquire a habit of regarding manner as of more importance than matter, and the result would be perhaps a polished and chaste style, but surely not a bold or vigorous one. It is impossible to do better in their way, than they have done, and their very success would deter us from following in their path, for they reached the goal, and won the prize, and we find it to be of comparatively little value.

It is necessary not only that the best models should be proposed, but that it should be known how they may be used to most advantage. A wide distinction should be made, and constantly kept in view between study and imitation. The best authors, they whose effect upon the mind would be to give it strength and elevation, may be and should be *studied*, with assiduity; but no writer, however excellent, however perfect in his own style, or however good that style may be, should be *imitated*; for imitation always tends to destroy originality and independence of mind, and cannot substitute in their place any thing half so valuable. It was once a very popular receipt for making a good writer, to take one of Addison's Spectators, read it carefully, and remember as much as possible of the thoughts and arguments, lay the book aside, until the phraseology and expressions were forgotten, and then reclothe what you remembered of the sentiments in language, as similar as possible to that of the original, and so one would learn to write like Addison! A shorter and equally effectual way would have been to commit the paper to memory, and then one might make sure of writing once at least like Addison. We will venture to say that such a plan has been rarely adopted and acted upon without lessening the little intellect, which could submit to it. We have not forgotten that Franklin says, that he formed his style in this way; and they who can think like Franklin and fill every

period, phrase, and word with meaning, may pursue with safety this or almost any plan.

It is somewhat difficult to give precise and definite rules of study; they who are conversant with the great efforts of great minds may be benefited in two ways; in the first place immediate contact with a superior mind is directly beneficial; it gives an elevated tone to our thoughts and feelings, we catch some of the emanations of their pervading spirit, and a process of assimilation is constantly going on. But the principal advantage is that by following, or rather accompanying the march of powerful minds, we get something of their speed and impetus, which continues when we are left to ourselves—the strong action of their minds imparts a degree of sympathetic velocity to less active faculties—we form habits of thinking as they thought and reasoning as they reasoned—we learn what they have learnt, and we get what is far more valuable, the power of acquiring more. But these are effects, and most important effects, which cannot be caused by the study of Queen Anne's writers; the general character of their books; the tone of thought, which pervades and is manifested, both by the choice of subjects and the manner of treating them, is feeble and contracted, and but little adapted to rouse, or invigorate, or fill the mind, which dwells upon their pages. They can afford the intellect neither aliment nor *stimulus*.

A national literature uniting all the requisites of excellence, and each in its due proportion, has not perhaps as yet existed; it may be impossible to create such a one, but it is not therefore idle to aim at it. The natural progress of society must before long, and may soon, create in this country a national literature; and they, in whose hands are placed our literary destinies, should see that no endeavours are wanting, on their part, to ensure the existence of one which shall be at once honourable and useful. The inquiry how this great work may be achieved is of infinite importance, and if in making it we guard against prejudice and habit on one side, and the love of singularity on the other, the result will be, we think, a conviction, that the most effectual, if not the only means of attaining the great object will be to encourage and promote with earnestness the study of the classics, in the first place, and next, of the English writers of the middle of the 17th century. With regard to the classics, we shall not make a

laboured defence of them, as we hope that a future number of this Journal may afford opportunity for a full discussion of the subject. The notion that the classics have done and are doing harm is, we know, entertained by some, and there never was a wild and chimerical opinion which had not its advocates; but there are men considered as belonging to this party, whose names should carry with them influence and authority, but who, we believe, hold very different opinions. A man may dread the introduction of German scholarship into our country, and wish that the ocean may continue to roll between us and our lexicographers and philologists, and still think an acquaintance with the classics an essential part of the education of a gentleman or a scholar; he may still be willing that they should be read, and studied, and loved. And they ever will be studied and loved, for their beauties are general and universal, and therefore imperishable; they have stood the test of time, their fashion cannot pass away.

While we are thinking of the old English writers, it is difficult to refrain from believing that we have degenerated from our fathers, that our intellectual stature is less than theirs, that the mind of man has either lost its strength, or refuses to put it forth. It is the usual, and perhaps a sufficient answer to this, that the mind seems to act now with less energy and effect, only because it acts in a different direction, and upon different objects. However this may be, it is certain that the eminent men of the seventeenth century stood forth from the mass of mankind with a more decided and marked superiority, than we are disposed to acknowledge in any men in these days. They were animated by the consciousness of an intellectual supremacy, which all would reverence, and none could shake, and they felt the responsibility attaching to their high gifts and attainments. Whatever they wrote was marked by a prodigal expenditure of thought and fancy, which does not belong to this age or the last, and which could only arise from a consciousness of inexhaustible resources of boundless affluence. Not satisfied with the applause of their own age, with the admiration of contemporaries, they strove, to use the noble language of Milton, for 'that lasting fame and perpetuity of praise, which God and good men have consented, shall be the reward of those whose published labours advance the good of mankind.' An early and intimate acquaintance with these authors will give, as far as example

can give, what we think of the first importance to him who would be a great writer,—boldness, independence, and self-reliance; with these qualities, folly may make itself more ridiculous, but without them genius can do nothing.

We have recommended these two classes of writers, not only because they are in themselves excellent, but because each is, we think, calculated to correct the evil which might arise from an exclusive study of the other. The Greek and Roman languages are far more perfect, better contrived vehicles for thought and feeling than any modern tongue. No writer can, therefore, now equal the classic authors in mere style, and if he strives too much to resemble them, he would perhaps form a tame, monotonous, and artificial style; he might substitute excessive delicacy for purity of language. Now this evil would be less likely to befal him, if he were accustomed to the copiousness, variety, and force of the old English writers. On the other hand, an excessive and indiscriminate admiration of these last might make him careless, diffuse, and declamatory; but this could hardly happen, if he had learned to appreciate aright the simple majesty, the lofty and sustained, but disciplined energy of the mighty masters of the Grecian and Roman school. It is apprehended by some that a style, formed by the study of English authors, who flourished when our language was, as they say, in its infancy, would be quaint, affected, and full of obsolete expressions. He, who is much acquainted with those writers, with Jeremy Taylor particularly, cannot but discover that our language is very much impoverished since their day; he will perhaps feel strongly the contrast between their rich and varied expression, and the lifeless monotony of more modern writers; he may sometimes be tempted to use a word or idiom that has gone out of fashion; but this will be the extent of his offence, for the classics will teach him to hate every thing like affectation.

In this country, it should be the business and the object of literary men, not to reform and purify, but to create a national literature. We have never yet had one, and it is time the want should be supplied. So much has been said, and unskilfully said, about the peculiar advantages of our free and popular institutions, and the beneficial effects they might be expected to have upon our literature, that it has become a wearisome theme to many ears, and we almost fear to touch

upon it; but the fact is, that while some of our countrymen are vain enough, they scarce know of what, the great body of the nation, the literary and the wealthy, of those who have influence in the community are not at all too proud of our peculiar and glorious advantages; and what is worse, they are not apt to be proud in the right place. Much yet remains to be said upon the subject, for which this is not the place or occasion. We would however remark, that if there be any truth, which reason and experience concur to teach, it is, that genius and liberty go hand in hand; and it is equally true, that we live under institutions whose very essence is freedom, and which must cease to exist when they are no longer animated by the spirit of freedom which called them into being.

ART. IV.—*Begebenheiten des Capitains von der Russisch-Kaizerlichen Marine Golownin, in der Gefangenschaft bei den Japanern in den Jahren* 1811, 1812, *&* 1813; *nebst seinen Bemerkungen ueber das Japanische Reich und Volk, und einem Anhange des Capitains Rikord.—The adventures of Capt. Golownin, of the Imperial Russian Navy, during his imprisonment among the Japanese, in the years* 1811, 1812, *and* 1813; *with his observations upon the Japanese empire and people; and an appendix by Capt. Rikord. Translated from the Russian into German, by Charles John Schultz.* Leipzig, 8vo, 2 vols. 1817.

THERE is probably no part of the world, which is so little known, and at the same time so worthy of exciting a rational curiosity, as the empire of Japan. Its immense population, its great wealth and industry, its progress in the useful arts, and the peculiarity of its civil and religious government, and the manners of its people, give it a hold on our curiosity over almost every other part of the East. The care, with which this singular people cut themselves off from all intercourse with the rest of mankind, not only gives them a more marked and original character, but limits our knowledge of them to the slight and imperfect notices of a few travellers, whom chance has thrown among them, and who have enjoyed but small opportunities for obtaining accurate information. Several attempts have been made by European nations to open an intercourse with them, but without success. It is a law

of the empire, that no Japanese shall, on any pretence, quit his country, and no foreigners are permitted to land in Japan, with the solitary exception that two small Dutch ships from Batavia, and twelve Chinese ships from Ningpo, are permitted annually to enter the single port of Nangasaky. Persons thrown by shipwreck upon their coasts are kept in strict confinement, until they can be sent home, by one of the foreign ships from the abovementioned port. Even the Dutch, established at their factory at Nangasaky, have but few opportunities of becoming acquainted with the country, and the information which they have been able to collect, they have shown no disposition to impart to the world.

The empire of Japan consists of a large number of islands, situated in the North Pacific ocean, at no great distance from the eastern coast of China, and extending from 32 to 48 degrees of north latitude. The principal of these are Niphon, the largest and most populous, Matsmai, the most southern of the Kurilian Islands, Sachalin, the north part of which is possessed by the Chinese, Kiosu and Sikonfu, and the three Kurilian Islands, Kunashir, Tshikotan, and Iturup. These last named are in the vicinity of the other Kurilian Islands, and are claimed by the Russians,—who, in consequence of this circumstance, have made several attempts to negotiate with this singular people. More than thirty years ago a Japanese trading ship was wrecked near the Aleutian island, Amschitka. The unfortunate commander and crew of the vessel were saved and sent to Irkutsk in Siberia, where they remained about ten years. At last, the Empress Catherine resolved to send them back to their native country, and to avail herself of the opportunity to attempt forming a commercial treaty between the two empires. The Siberian governor, Pihl, was ordered to send out an ambassador to Japan, in his own name, with the proper instructions for accomplishing this object. In consequence of this order, Lieut. Laxman was despatched from Ochotzk, in the transport ship Catharina, Capt. Lowzoff, in the autumn of the year 1792. Laxman landed on the northern side of the island of Matsmai, and passed the winter in the little port of Nemuro. The following summer, he proceeded, at the request of the Japanese, to the port of Chakodade, on the southern side of the island, near the strait of Sangar, whence he travelled by land westward, three days' journey to Matsmai. In this

city, he met the commissioners despatched from the capital to negotiate with him, and in answer to his propositions, he received the following explanations.

1. Although, according to the laws of Japan, all foreigners who land on the coast, except in the port of Nangasaky, are required to be seized and holden in perpetual imprisonment, yet as this law was not known to the Russians, and as they had brought with them the Japanese subjects, who had been saved on their coast, the law would not be executed, and they would be permitted to return to their own country without hindrance; yet with the express understanding, that in future, even if Japanese subjects should be wrecked in Russia, the Russians should not approach the coast of Japan, except at the port of Nangasaky, and that, if they neglected this caution, the law would be strictly put in force.

2. The Japanese government express their thanks for the restoration of their subjects to their country, but declare that the Russians may either leave them behind, or take them back with them, as they please; for, according to the Japanese laws, these persons cannot be retained by force, it being a principle of these laws, that people belong to the empire, in which fate has thrown them, and in which they have been preserved from death.

3. The Japanese government could not admit a negotiation for a commercial treaty, in any port, except that of Nangasaky. On this account a written permission was given to Lieut. Laxman, by which a Russian ship might enter that port, where officers would be found with authority to negotiate farther with the Russians upon this subject.

With this explanation, Laxman returned in the autumn of 1793, to Ochotzk. No further attempt was made at that time to pursue the object, and no use was made of the permission to send a ship to Nangasaky. According to the representation of Laxman, the Japanese treated him in a very friendly manner, and with the greatest politeness. They showed him many civilities, according to their customs, supported his officers and men during the whole time of their residence in Japan, at their own expense, furnished him at his departure with provisions for the voyage, for which they refused pay, and made several presents. He had only to complain, that, in strict conformity with their laws, they would not let him go abroad at liberty, but kept a constant watch over him.

In the year 1804, the counsellor of state and chamberlain Resanoff was sent by the Emperor Alexander, on a new embassy to Japan, for the purpose of renewing the proposition for a commercial treaty. He sailed from St. Peter and St. Paul's Haven in Kamtschatka, in the government ship Nadeshda, commanded by the celebrated traveller captain Von Krusenstern, and entered the harbour of Nangasaky on the 8th of October. The opportunity of restoring to their native country some Japanese seamen, who had been wrecked in a large vessel from Japan, on one of the Aleutian islands again presented itself; and the Emperor Alexander sent to the Emperor of Japan a great number of costly presents, valued at three hundred thousand rubles. The embassy, however, was received with less favour than they had reason to expect. The ambassador was not suffered to land until December 16, and in the mean time the ship was closely guarded by thirty or forty boats. All the arms and ammunition of the ship were required to be delivered into the custody of the Japanese governor. When, after a wearisome negotiation, the ambassador and his suite were permitted to land, they were quartered in buildings erected for the purpose, surrounded with palisades, and guarded by a double watch, one civil and the other military. The doors of their apartments were regularly locked and bolted upon them every night, and they were not permitted to walk beyond their palisades during the day, or to pass from their residence to the ship without special permission. They were not permitted to visit any part of the city or of the neighbouring country, nor were they allowed to purchase any thing of the few persons who visited them. Provisions were furnished them without pay, and also materials for the repair of the ship. After waiting six months for an answer to their application to be permitted to proceed to Jeddo, and have an audience of the emperor, during which time they were amused with repeated assurances, that an answer to their request would be speedily received, they were admitted to an audience in the city of Nangasaky of the governor, and a commissioner specially deputed from the emperor to meet the Russian ambassador. In proceeding to the governor's house, they passed through several wide, clean, but unpaved streets. The houses along the whole extent of the streets were covered with hangings, so that the houses and the inhabitants

were wholly concealed from view, under the pretence that the common people were not worthy to see so great a man as the ambassador, face to face. The audience was had on the 4th day of April. and was repeated on the following day. At the second day's audience, the decision of the emperor was communicated with great formality, relative to the object of the embassy, and thus the hopes of the party of being permitted to go to the capital were disappointed. The emperor decidedly declined having any further intercourse with Russia, refused to accept the presents, that had been sent to him by the Emperor Alexander, and requested that if in future any Japanese should be wrecked upon the Russian coasts, they might be sent home through the Dutch ships which sail annually from Batavia. He ordered a present of a quantity of salt and rice for the crew of the Russian ship, and two thousand bundles of raw silk for the officers. On receiving this answer the ambassador took his departure and returned to Kamtschatka. He at first refused to accept of the presents from the emperor, but on his finding that if he persisted in his refusal, he would be compelled to wait at Nangasaky, until a messenger could be sent to Jeddo, and bring back instructions, he concluded to receive it, rather than submit to two months' delay, although he was obliged also to receive back the presents which he had brought. The Nadeshda was towed out of the habour by a hundred boats, after which her arms and ammunition, as well as the arms of the officers which had been given up on entering the harbour, were faithfully restored to them.

The chamberlain Von Resanoff, after accomplishing a mission on which he was sent to the settlements of the Russian American Company on the North Western coast of America; to revenge upon the Japanese the treatment which he had received at Nangasaky, in the year 1806, despatched a secret expedition against some of the southern Kurilian Islands, on which the Japanese had made settlement. He justified this measure, on the pretence that these islands had been previously taken possession of by the Russians. In pursuance of his instructions, Lieut. Schwostoff, in the ship Juno, landed at one of these settlements, and without resistance took possession of 1000 poud of rice, and other provisions and property, and brought them away, together with four of the Japanese settlers. In the following summer, in pursuance of the same

instructions, Lieuts. Schwostoff, and Davidoff, in two ships, proceeded to the Japanese islands Urup and Iturup, overcame the slight resistance that was made to them, and carried off a large amount of stores and property, which were found there. The four Japanese who were taken prisoners the preceding year, were now set at liberty, and instructed to inform their countrymen, that the Russians had a just claim to these islands. It was in this state of the relations between Russia and Japan, that the events, which we are about to notice took place.

In April, 1811, Captain Michael Golownin, the author of the book which forms the subject of this article, who was then in command of the Russian sloop of war Diana, at St. Peter and St. Paul's Haven in Kamtschatka, received instructions from the Minister of Marine to make a minute examination of the southern Kurilian, and Shantar Islands, and the coast of Tartary from 53° 38′ north latitude to Ochotzk. In pursuance of these instructions he left the harbour as soon as the breaking up of the ice permitted, and on the 4th of May proceeded to sea. On the 14th he reached the strait of Nadeshda, where he began his survey. Nothing remarkable occurred in the course of the survey until the 17th of June, when he found himself near the northern extremity of the island Iturup. On approaching the shore for the purpose of discovering whether the land made a part of the Japanese island Iturup, he discovered some huts and inhabitants on shore, and thinking them to be Kurilians he sent Midshipman Moor in an armed boat to make inquiries. As he approached the land he was met by a boat from the shore, and although he found it was inhabited by Japanese, he proceeded to the land, contrary to his instructions, and was soon followed by Captain Golownin, in another boat. They found here a number of Kurilians who served as interpreters. The captain held a conference with the governor of the place who received him civilly, and requested to be furnished with wood and water. The governor was not able to furnish the articles wanted, but promised to give the captain a letter to the governor of Urbitsh, a city near the opposite extremity of the island, where he could be supplied not only with wood and water, but also with rice and fresh provisions. After being hospitably furnished with refreshments, the Russians returned to their ship, and the same

evening several Kurilians were sent on board for the purpose of being restored to their own country, as appears in the following extract from our author.

'There were two men, two women, and a girl of four years old. The men spoke Russian so well that we could understand each other without difficulty. They brought us the letter from the Japanese commander to the governor of Urbitsh, and assured us that he had informed him, by it, that we had come hither with good and not evil designs, and added that immediately after our departure from the city the Japanese had sent a boat to Urbitsh with similar information. This boat we had ourselves seen. The letter was written on thick white paper, and folded in a cover six inches long and two and a half inches broad. The cover was so arranged that there remained on one side a triangular paper, which was closely sealed at the sides; the upper corner, half an inch in length, was folded over upon the other side, which was also closely sealed. On the top was a stamp of a dark colour. The address was written on both sides. The Kurilians informed us besides, that the Japanese at first could not believe that we had come for any other purpose than plunder, and grounded their suspicions upon the conduct of the Company's ship. Whenever the Japanese spoke of this outrage they said, "the Russians attacked us without reason, killed many men, took several prisoners, robbed us, not only of our property, but took from us almost all our rice and sagi, (a spirituous liquor made of rice), and left us to starve." The Kurilians informed us that the Japanese were fully convinced, that we wished to do them all possible evil, and that they had long since carried all their most valuable property into the interior of their island. This intelligence was very unpleasant to us.' vol. i. pp. 33, 34.

After sailing from Iturup, Captain Golownin spent three days in surveying the island of Urup. Being prevented by contrary winds from executing their intention of proceeding to Urbitsh, they sailed for Kunashir; on the southern side of which island there was, as they were informed by their Kurilian Alexis, a fine harbour and a fortified town. It was Captain Golownin's desire to survey these, and the channel which separates Kunashir from Matsmai, a channel so little known that on many charts the two islands are thrown into one.

They reached Kunashir the 4th of July. On approaching it they found the fortifications enclosed with a hanging of black

and white or dark blue cloth, with broad stripes, so that neither the walls nor palisades could be seen. Whenever they tried to land, they were fired upon from the fort. They therefore attempted to open a communication with the inhabitants by signs.

'On the 6th,' says Captain Golownin, 'I placed before the city, in the water, a cask divided into two parts. In one we placed a glass of fresh water, some sticks of wood and a handful of rice, to show that we were in want of these articles; and in the other some pieces of gold, a piece of scarlet cloth, with some glass ware, and pearls, as a sign that we would pay for the necessaries with gold or these articles. Over them we placed a drawing, which Mr. Moor had very neatly executed, in which the harbour with the fort and the ship, were represented. The guns of the latter could be clearly seen in the drawing, yet they were quiet; while from the fort, they were firing and the balls passed over the ship. In this manner I wished to reproach them for their ill treatment of us. We had scarcely placed the cask, and began to return to the ship, before the Japanese came out, took possession of it, and carried it into the fort. The next day we came within gun shot, to receive an answer, and at the worst prepared for battle, but the Japanese pretended not to observe us. No one appeared from the garrison, which was concealed as before.' p. 53.

Unable to bring on any communication with the fort, Captain Golownin sent Lieutenant Rikord to a fishing village near it. The Lieutenant found the village deserted, took away with him wood, rice, and dried fish, and left various European articles behind as payment. On a visit made in person to the village the next day, Captain Golownin had the pleasure of finding that these articles had been carried away.

'On the 8th of July,' he proceeds in his narration, 'we saw a cask placed before the city. I immediately weighed anchor that we might take it. We found in it a casket, which was wrapped in several pieces of canvass, and contained three papers. One of these was a Japanese letter, which, as we could not read it, was of no use to us. The other two were drawings. On both of which were represented the harbour, the fort, our ship, the cask, a boat rowing toward it, and the rising sun, but they had this difference; in one drawing, the cannon in the fort were firing; in the other the mouths of the guns were turned back. We considered these hieroglyphics for a long time, and each explained them in his own

way. In one thing we all agreed, that the Japanese wished to have nothing to do with us. I explained it in this way; the first time we approached the fort to place the cask they had not fired on our boat, but if we repeated our visit, we might dread the consequences.

'We now sailed to a little stream, on the west side of the port, and anchored. I sent an armed boat on shore, to get fresh water. Our people were at work almost the whole day on shore without being opposed by the Japanese. They however sent some Kurilians from the garrison, to watch the motions of our men at the distance of half a werst. The following morning, July 9th, our boat again went on shore for water, and was immediately approached by a Kurilian, who came slowly and trembling from the fort. In one hand he held a wooden crucifix, and with the other he crossed himself continually. He had lived some years among our Kurilians, on the island of Rashua, where he was known by the name of Kusma; he had there probably learned the sign of the cross, and knowing the veneration in which the cross is held by the Russians, he ventured under this protection to come and hold a parley with us. Lieutenant Rudakoff approached him first, accosted him kindly, and made him some presents; yet the Kurilian notwithstanding trembled with fear as though he had an ague. I came up immediately but could not make myself understood, as Alexis had not landed with us. The Kurilian would not wait for him, and feared to return with us on board. I did not think it prudent to detain him by force. He scarcely spoke ten words of Russian, yet I was at length able to understand from his pantomime, that the commander of the fort was willing to meet me in a boat, with the same number of people, as I might have, and converse with me. I joyfully acceded to the proposal and left the Kurilian after I had presented him with a string of pearls. This present enlivened him considerably, so that he asked for some tobacco. I had none with me, but promised to bring him some.

'The Japanese had meantime placed another cask before the fort, but so near the batteries, that I considered it rash to take it. No one yet came out to meet us from the fort, but they beckoned to me, with white fans, to land. From this I concluded that I had not rightly understood the Kurilian, but as I was about to row back again, a boat pushed off from the shore, with an officer and a Kurilian interpreter, and came towards us. They had many more men than we had on board, but as we were all well armed, we had no reason to fear them. The conversation began on their side with an excuse for having fired on us, as we approached the land. They gave as a reason for it, the mistrust they had of us in consequence of

the outrages, which had been committed some years since, by two Russian ships, whose crew at first had landed, under the same pretence as ours. But as they now saw our conduct was very different from theirs, all suspicion toward us had vanished, and they were ready to serve us with every thing in their power. I commanded our interpreter, Alexis, to assure them, that those vessels were merchantmen, and committed these depredations of their own accord, and without the sanction of government; and that both of the commanders, had not their death prevented, would have been punished for their conduct. I endeavoured to convince them of the truth of this, in the same manner, as I had previously the Japanese of the island Iturup. They answered that they believed it all, and rejoiced to hear of the good feelings of the Russians towards them. To my question, whether they were satisfied with the compensation we had left in the fishing village for the articles we had taken, they answered, that they considered what we had carried away as a trifle, and thought we had left more than it was worth. They assured me again, that their commander would supply us with every thing in his power, and inquired what we were now in want of. I asked ten sacks of rice, some fresh water, and vegetables, and begged them to state the number of dollars which we should pay for them. They desired me to come on shore to speak with the commander of the city, but I evaded doing it, at this time, and promised to come the next day when the ship should be nearer land. According to my promise, I had brought with me some tobacco for Kusma, but the Kurilians dared not take it, without the permission of the Japanese officer, which the latter refused to grant.' pp. 54—59.

On the 10th of July they had taken on board all the wood, water, and provisions necessary for their voyage, but the wind was not fair for them to sail. The Japanese sent out a boat and intimated by signs that they wished to speak with them. They also placed in a cask all the articles the Russians had given in payment for what they had taken. Captain Golownin added to these eighteen dollars and some East India silk handkerchiefs, and was about to return, but they beckoned to him earnestly to come on shore. After some deliberation he concluded to land, and went with some sailors on shore. Here he was met by several Japanese officers and conversed with one of them for some time, thinking him the first in command. He explained to this officer as before, the nature of the expeditions against the Japanese islands. They urged him to go into the garrison, and see their commander.

This he declined doing, but promised to bring his ship nearer the shore, and then to comply with their request. After receiving some tokens of friendship from the Japanese, he returned to the ship and sent a boat to get some fish which had been promised him. They sent him word that they expected a visit from him the next day, and desired that he would bring with him some of his officers. Captain Golownin here states at length the reasons which induced him to accept the invitation, to go again on shore, which it is not necessary for our purpose to state.

'On the 11th of July, at eight in the morning, I landed with Messrs. Moor and Chlebnikoff, four sailors and the Kurilian, Alexis. I was so perfectly convinced of the friendly disposition of the Japanese, that I had not commanded my men to take arms. The two officers and myself had only taken swords, and Mr. Chlebnikoff had also with him a little pocket-pistol, more for the purpose of giving a signal in case of a fog, than for defence. As we passed the cask, mentioned above, we looked to see if our articles were removed, but found them all there. I recollected Laxman, and ascribed this to the custom of the Japanese, which does not allow them to take any presents, till the negotiations are ended. At last we landed near the fort. The ojagoda and two officers, the same I had seen the day before, came to meet us. They prayed me to wait on the beach till the fort was ready for our reception. Feeling a perfect confidence in the Japanese, and wishing to remove all ground of suspicion, I had our boat drawn half on shore, and left one sailor behind with it. The other sailors I employed to carry the stools and the presents intended for the Japanese. We waited from ten to fifteen minutes on the shore, during which time I conversed with the ojagoda and his companions. I asked them the situation of the coast of Matsmai, and the state of their trade with the principal island Niphon. But I remarked that they did not answer my questions very readily. As I entered the gate I was astonished at the number of people assembled there. On the right of the gate sat in a circle, at least three or four hundred soldiers, armed with muskets, arrows, and spears, and placed about a large open space. On the left, a great multitude of Kurilians surrounded a tent of cotton striped cloth, which was pitched about thirty paces from the gate. I should never have thought it possible, that this little, unimportant fort could have contained so many armed men, and I think that they must have been collected from all the neighbouring places since we made our appearance in the harbour. We were immediately conducted into this tent, where directly oppo-

site the entrance the commander was seated on a stool. He was dressed in a costly silk garment, and a complete suit of armour, and had in his girdle two sabres. Over his shoulder hung a long white silk cord, at one end of which was a tassel of the same material, and at the other a steel staff, which he held in his hand, and which appeared to be the symbol of his power. Behind him, on the ground sat his armour-bearers, one of whom held his spear, and another his musket; a third held his helmet, which was similar to those we had seen worn by the other officers, except that those had the moon represented on them, while his had a representation of the sun. At our entrance, both the commanders rose, we saluted them after our custom, and they returned the salutation. They desired us to be seated on the bank, directly opposite to them, but we placed ourselves on our stools. Our sailors took their places on the bank behind us. After the first civilities were over, they entertained us with tea, without sugar, in cups, which according to the Japanese custom were only half filled, and were handed us without saucers, on wooden lackered waiters. We were previously asked, whether we would have tea, or preferred any thing else. After tea, pipes and tobacco were offered us, and conversation commenced. They asked us our rank, our names, the name of our ship, whence we came, whither we were sailing, why we landed on their shore, what reasons the Russians had for attacking their villages? Further, whether we knew Resanoff, and where he now was. All these questions we answered in the same manner we had done before. The under Japanese officers wrote down all our answers.

'They now declared that in order to provide the necessary quantity of provisions, they must know the exact number of our crew. Ridiculous as some of their questions were, they had their reasons for asking them. We considered it necessary to magnify our force, and stated it at nearly double, at 102 men. As Alexis could neither understand nor express this number, I was obliged to draw so many strokes on paper with a lead pencil, and give it to the Japanese to count them. They farther asked us whether we had many ships as large as the Diana in the waters. Very many, we answered, in Ochotzk, Kamtschatka, and America; to these they added several unimportant questions, respecting our clothes, customs, &c. They examined the map of the world, the ivory handled knives, the burning glasses, which we had brought as presents to the commander, and the dollars with which I wished to pay the Japanese the sum they should name. While we were conversing, Mr. Moor remarked that there were some naked swords distributed among the soldiers, who were seated about the open square. He communicated this immediately to me, but I

thought he might have seen some sword accidentally drawn, and asked him, laughing, whether he was not mistaken, as the Japanese always wore their sabres, and certainly now had no reason for drawing them. I thought I had made him easy by this, but soon some circumstances raised in us the suspicion, that they had some bad design on us. The under officer absented himself for some time, gave several orders, returned, and whispered something to the commander, who rose and would have gone out. We also rose and offered to take our leave of him; and I again asked him the price of the provisions, and whether he was resolved to return the money to us as before. On our motion to go, he sat down again, besought us to do the same, and ordered the dinner to be served, although it was quite early. We accepted his invitation, and anxiously waited to see what was to follow, as it was now too late to get well out of the snare; but the friendly conduct of the Japanese, and their assurances that we had nothing to fear from them, quieted us again, so that we had no suspicion of their treachery. They regaled us with rice, fish, dressed with a green sauce, and other agreeable dishes, of which we did not know the ingredients.

'The commander now rose to go out on some trifling pretence, and I declared to him that I could not remain any longer, and must return on board. He answered immediately that he could not supply us with any thing, without the permission of the governor of Matsmai, to whom he was accountable, and that one of us must remain as a hostage in the garrison till an answer to his report arrived. The Japanese now began to throw off the mask. To my question, how long it would take to send the report to Matsmai, and to receive an answer, he replied fifteen days. I considered it dishonourable to leave an officer behind for so long a time as a hostage, and besides, I thought that with a people like the Japanese, it was impossible to see the end of the thing. The governor would perhaps do nothing without referring to the general government, and I should be consequently delayed till winter, for a decisive answer. I replied to the Japanese, that I could not wait so long without the advice of the officers remaining on board, and that I could not leave behind me an officer. Upon this we all rose to depart. But suddenly the commander, who had before spoken gently and politely, changed his tone, spoke very loud and warmly, often mentioned Resansto (Resanoff) and *Nicola Landregetsch*, (for so he denominated Schwostoff, the commander of the company's ship, and struck his sword several times. In this manner he made a long speech, of which the affrighted Alexis could only repeat to us, that the commander had declared, that before one of us should leave the fort, his own body should be hacked in pieces. This was short and conclusive.

'We immediately sprang out, to reach the shore. The Japanese raised a loud shout, but dared not attack us, though they threw after us oars and pieces of wood, in order to strike us down. When we had reached the gate, they fired several times upon us, but we were not injured, although some balls passed near the head of Mr. Chlebnikoff. They succeeded in detaining Mr. Moor, Makaroff, one of the sailors, and our Kurilian Alexis within the fort. But we sprang forward and reached our landing place. Here, to our grief we found that during our stay of three hours in the fort, the water had ebbed nearly five fathoms, and left the boat on dry land. The Japanese immediately saw that it was impossible for us to make it float, and as they had before seen that there were no arms hidden in it, they took courage, advanced to us with large sabres which they held in both hands, with muskets and spears, and surrounded us near the boat. I cast one glance upon the boat, and seeing there was no possibility of escape, gave myself up. The Japanese took me under the arms, and led me into the garrison, where my unhappy companions were detained. On the way, a soldier struck me several times on the shoulder with a little iron staff, but upon one of the officers speaking to him with an angry look, he desisted immediately.' pp. 67—74.

They were thus carried back to the fort, and thence to a kind of barrack, where they were very carefully bound; their hands, elbows, knees, and calves of their legs being tied together, and a cord tied about their necks and fastened to a beam over their heads, in such manner that they could not sit down. 'All of them were tied alike, and with precisely the same number of knots, so that the Japanese seemed to do this, as well as every thing else, by rule. They were soon taken from this place, and sat out on their march to the city of Chakodade, in the island of Matsmai, the cords being first taken from the calves of their legs, and those about their knees loosened. Each prisoner was led by one person, and had a soldier by his side. On ascending a rising ground, they saw their ship, which was left under the command of Lieut. Rikord, under sail, and soon heard a cannonading, the result of which they never learned from the Japanese. Rikord found that his guns were much lighter than those of the fort, and soon desisted from the attack. The prisoners were conducted in the manner above described, on foot, and most strictly guarded, till they came to the strait between Kunashir and Matsmai. They were carried over this strait in boats, and coasted along the shore of the latter island several days, pas-

sing at short intervals large and populous villages situated on the coast. On the 16th of July they proceeded again on foot, and from this time their escort increased to a hundred and fifty or two hundred men. They advanced by regular journies, till they reached Chakodade on the 8th of August. A great number of persons of both sexes came out to meet them, and they entered the city in solemn procession. They there found still greater numbers assembled to see them, so that the guards found it difficult to force a passage through the narrow and crowded streets. They were conducted by a cross street to an open field, where a building had been erected for their reception. This building was large and dark, with separate apartments for each prisoner, and was surrounded by palisades, and beyond the palisades by a wall of earth. The prisoners were further secured by a guard, which kept a constant watch before their dwelling.

In the Japanese villages, which they passed, on their journey to this city, they observed every where a remarkable neatness. The people were active, and appeared contented and gay. The prisoners were every where the objects of a most lively curiosity. The people at every station assembled around them, and asked a thousand questions, and on receiving an answer, they carefully wrote it down : evidently holding that the right of keeping a journal is by no means confined to the traveller, but that the good people among whom he travels have a right to keep theirs too. What a sorry figure would not the worshipful fraternity of English travellers in America cut, if we imitated this laudable Japanese practice. The Japanese, moreover, according to Capt. Golownin, were constantly inquiring the Russian names of things, and each person formed, from the answers obtained, a little lexicon. The village of Onno, seven wersts from Chakodade, is described as particularly beautiful. It is situated in a valley, is surrounded on three sides by mountains, and appears to stand in the midst of a vast garden, every house being surrounded by a spot of land in which kitchen vegetables, and a great variety of fruit trees are cultivated.

The Kurilians of Matsmai are more stoutly built, and in every respect a superior race of people to those of Iturup and Kunashir, or of the Russian Kurilian Islands. Their language, also, is quite different ; so that Alexis, and the Kurilians of Matsmai, could with difficulty converse together. Yet

they retain a sufficient resemblance in dialect, person, and manners, to prove that they sprung from a common stock.

Our author observed the peculiarity among the Japanese, that the left hand has the preference over the right. This he remarked every where, and he was told that it was universal; without, however, hearing any reason given for it. He observed also that the Japanese had a great number of physicians. A physician was appointed to attend on the prisoners as soon as they arrived in Chakodade, and he repeated his visits daily. He was a man of extensive knowledge, and was particularly skilled in geography. He had a finely engraved globe, and several manuscript maps of the Japanese possessions, which he frequently showed to his Russian patients, and by the aid of them he answered their inquiries relative to the country.

Two days after the arrival of the prisoners at Chakodade, they were conducted through the city to a large hall, where they underwent a long and minute examination. As they passed through the streets, the houses were thronged with spectators. They observed for the first time, that almost every house contained a shop, in which a great variety of wares was exposed for sale. The forms observed on their presentation to the governor, and in the examination, on this as well as on a variety of other occasions, are particularly described by the author. Our limits do not permit us to make an extract of these details, though it is these which give the principal interest to the narrative, and besides, serve to elucidate the character of this singular people.

They were asked their names, ages, places of nativity, the names and ages of their parents and relations, whether they were married, and had children, the distance from St. Petersburg to the city in which they dwelt, their stations, and duty on board their ship, and many other questions equally minute. Their answers were carefully written down by two secretaries. At their second examination, they were told that their answers had been sent to the governor of Matsmai, and that he had ordered the affair to be most diligently inquired into. The following is an extract from the account of the first examination.

'At last the commander desired to know whether the religion of the Russians had not been in some degree altered; inasmuch

as Laxman wore a long queue and stiff hair, which he strewed over with flour, while ours was on the contrary cut short. As we answered that the manner of wearing the hair was not a part of our religion, the Japanese laughed, and wondered not a little that there existed no law respecting this. They however wrote down our answers as before. In concluding, they ordered us to relate to them and point out to them on a chart, where and when we had sailed since we left St. Petersburg. For this purpose they gave us a chart, drawn from the Russian Academy's globe, made in the time of the late empress.' p. 140.

The second examination consisted of a series of questions relative to Resanoff's expedition and subsequent history. On the third examination besides other questions were the following.

'Did we not know of Laxman's embassy and the answers he received? Whether we knew the answers which were given to Resanoff's propositions in Nangasaky? Why we approached their coast, since the Japanese had forbidden the Russians to do so, and had declared to Resanoff that they had a law, which obliged them to burn all foreign ships coming into any port, except Nangasaky, and to hold the crews in perpetual imprisonment?' p. 150.

After having undergone five examinations, at different intervals, before the governor of Chakodade, they were sent to the city of Matsmai. They sat out on this journey September 27, and were conducted in nearly the same manner as when they came from Kunashir. The author describes a battery which he observed on a height, at the entrance of the bay of Matsmai, on which were mounted several brass and iron cannon, the latter of which appeared to have been cast in Europe. On this part of the island the villages were more frequent, as well as more populous, than on the parts which they had previously seen. They accomplished this journey in three days. They here also found a house specially built for their accommodation. Two days after their arrival they were brought before the governor for further examination, and remained with him some hours. He proved to be a man of great humanity, and exhorted them not to give themselves up to despair, but to pray to God, and to await patiently the end of their trials. He assured them that he would use all his influence with the emperor to hasten their liberation, and

gave them ink and paper to draw up a memorial, which he told them should be translated into Japanese. In making this translation Alexis, and a new interpreter assigned them, named Kumaddshero, united their labours. The account of their progress in this great work is one of the most amusing portions of the work before us.

As we have already seen that Alexis' qualifications as a linguist did not go so far as to count 100, we may imagine the embarrassment of the Russian prisoners. 'For we endeavoured,' says our author, 'as much as possible to make use of such words and phrases only as were known to Alexis. This made the style of our paper singular enough.'

'Notwithstanding our effort, it sometimes happened that we could not make Alexis comprehend our ideas, or if he comprehended them, he could find no words or expressions in the Kurilian language to convey them to the Japanese. The following is the manner in which Kumaddshero proceeded. In the first place, he asked us the Russian pronunciation of every word, and wrote this in Japanese letters over it. He was prepared with a sheet of paper, and asked the meaning of every word by itself, and wrote it, in the same manner, in Japanese over it. In this way we had not a little trouble with him. He was a man of about fifty years old, exceedingly stupid by nature, and without any idea, not merely of the grammar of any European language, but of any grammar in the world. If by means of Alexis, or by signs, we explained to him a word, he listened attentively and said to every thing o-o-o, which appeared to mean as much as, "yes, indeed, I understand." If in this way we had spent an half hour or more in demonstrating to him a word, and thought that at last he fully understood it, he would turn and ask us the definition of it again, and insist that he had not the least conception of it. We often lost our patience entirely and spoke harshly to him. But he would laugh, and excuse himself by saying that he was old, and that the Russian language came exceedingly hard to him.'

Honest Kumaddshero seems to have been infested with a lurking republican feeling, such as was not to have been expected, in a subject of his most despotic majesty of Japan.

'The word *imperial*,' proceeds our author, 'employed him two whole days, before he could understand it. Two hours in succession we explained it to him, and made use of all possible examples. Alexis too, to whom the word was known, did his best. The Japanese heard, laughed, and grumbled out his o-o-o-o; but

scarcely had we finished, when he would say: I can understand easily what emperor is, but imperial, imperial, I cannot comprehend that. The prepositions and conjunctions could not be made by any means to enter his dull head. It appeared to him wholly incredible that they should be placed before the principal words to which they refer, and which in the Japanese language they always follow. He was exceedingly surprised at this, and would not believe it possible to express one's self with any degree of propriety in a language which, in his opinion, was so barbarous and defective. If he had at last made out the meaning of the words, he then began upon the formation of the sentence. And here was a new and sore difficulty. He would by all means insist, that the Russian words should follow each other in the same order, as in the Japanese translation, and required us so to place them, without seeing what absurd and incomprehensible nonsense would follow. We assured him that it could not be so, but he maintained that his translation would be considered incorrect, if with him a word stood at the end which we placed at the beginning, &c. At last after long discussions and disputes, we besought him to call to mind the Kurilian and Japanese forms of speech, and see if the words in both languages followed in the same order. I know very well, said he, that this is not the case. But the Kurilian is the language of a people almost savage, who have not even the art of writing. But in Russia they write books. We laughed not a little at this remark, and he joined us. At last we gave him our word of honour as a pledge, that there were many European languages, in which, though there were a number of words in common, yet the order in which they were placed was totally diverse; and this was the case with the Russian and Japanese. This satisfied him. Now that he had obtained an idea of our sentences, he sought for Japanese expressions which signified the same, and troubled himself no farther about the order of the words. But if he met with a sentence in which the words actually followed in the same order, he was highly gratified. Nay, if there were Japanese words, which could be arranged in the same manner as ours, he would joyfully write them down, even if they conveyed an entirely different sense, and it was not without the greatest unwillingness that he would alter them when we found he had not understood us aright.' pp. 207—210.

Among the questions asked at one of the examinations they inquired what kind of hat the emperor of Russia wore, and begged Mr. Moor to draw a picture of it. They inquired what kind of horse the emperor rode, and how many persons accompanied him. They asked how many cannon were

mounted on the imperial palace, and on being told that the European monarchs did not fortify their palaces, and did not surround them with cannon, they would not believe it. When they were afterwards convinced of this fact, they were greatly surprised, and considered it very improvident.

Lieut. Rikord, before leaving the Japanese coast in the ship Diana, sent on shore a letter addressed to the imprisoned Russian officers, in which he declared his intention to return to Ochotzk, and to come back with an additional force to attempt their liberation. He sent on shore also with the letter, some clothes, razors, and a trunk of books. This letter was not shown to them until after they had arrived at Chakodade, when they were required to translate it into Japanese. This they did with some variation of the parts which might have given offence.

A part of the story is contained in the narrative of Lieut. Rikord, which is published in the second volume. He there describes his voyage to Ochotzk, and a journey which he undertook in the following winter for the purpose of obtaining instructions of the Minister of Marine at St. Petersburg, for proceeding to the relief of his imprisoned countrymen. He learned however at Irkutzk, on his way to Petersburg, from the governor of Siberia, that an account of the disaster had been sent to the government, and received orders to return to Ochotzk, and to proceed in the Diana to complete the survey of the coast, and at the same time to make inquiries at the island of Kunashir of the fate of the prisoners. While on his journey, he found at Irkutzk a Japanese, named Leonsaimo, who had been six years in Russia, and had been treated with great attention and kindness, for the purpose of showing the friendly disposition of the Russian government to Japan. This person, with five other Japanese, who had been shipwrecked on the Russian coast, he took on board his ship, and as soon as the necessary repairs could be made, sailed from Ochotzk, July 22, and arrived off the coast of Kunashir on the 28th of August. He was accompanied on this voyage, for greater security, by the transport ship Sotik.

On reaching the harbour where they met with the disasters of the preceding year, and which they had named the Bay of Treachery, they observed a new double battery of fourteen guns. The whole city, on the side toward the sea, was hung with striped cloth, so that nothing but the roofs of the houses

could be seen, and all the boats were drawn upon the shore. They sent a letter on shore, addressed to the governor of the island, announcing that notwithstanding the treatment of the officers of the Diana, the governor of Irkutzk had sent home all the Japanese wrecked on the shore of Kamtschatka, and trusted that in return all the Russian prisoners would be given up; that if this was refused, the ships would be sent back the next summer to demand them. This letter was translated into Japanese by Leonsaimo, whose fidelity they had much reason to doubt. After waiting some days without an answer, and sending on shore successively, two of their Japanese passengers as messengers, without obtaining any satisfactory information, they were under the necessity of despatching Leonsaimo, as their ambassador, although at the risk of losing their only interpreter. He returned after a day's absence with the intelligence that Golownin and all his companions were dead. They were unwilling to believe this intelligence, and after watching a long time for the purpose, succeeded in capturing a large Japanese ship, the commander of which proved to be an intelligent and amiable man. He informed them that Golownin, and his five companions were all living, and in the city of Matsmai.

Rikord resolved on carrying back with him to Russia this Japanese captain, whose name was Takatai Kachi, and who appeared to be a person of higher rank than they had before seen. He submitted to this measure with a very good grace, on being promised that he should not be required to leave the Russian commander, and that he should be restored to his country the following summer. Takatai Kachi was required to select four of his own sailors to accompany him, and the remaining Japanese who had been brought from Kamtschatka, as they could not speak a word of Russian, were put on shore He was also required to write a letter explaining the cause of his detention and to send it on shore.

On board the captured ship was a lady, the inseparable companion and favourite mistress of Takatai Kachi. This being the only Japanese woman of whom we have any notice in these volumes, we copy at length the account of her visit to the Russian ship.

'She was curious to see our ship and the strange people, whom she considered as enemies. It was no less interesting to us to

see a Japanese woman. When she first came on board she appeared excessively alarmed. I desired Kachi to lead her into the cabin, and took her other hand myself. At the door, she wished, after the Japanese custom, to take off her straw shoes, but as there was neither carpet nor mats in the cabin, I made her understand by signs that she need not give herself this trouble. On entering, she laid both her hands open upon her head, and bowed very low. I led her to an arm chair, and Kachi explained to her the use of it. Fortunately for our unexpected visitor we had on board a pretty young woman, the wife of our under surgeon. At sight of her the Japanese took courage and appeared more at ease. An acquaintance was soon formed between them. The surgeon's wife tried to converse with her on a subject which generally interests ladies, and showed her the dress of Russian women. The Japanese, who seemed to be a lady of fashion, looked at every thing with the greatest curiosity, put on some of the articles, and showed her astonishment by a hearty laugh. She appeared most pleased with the white complexion of our lady, laid her hand upon her face, as if she doubted that it was the natural colour, and cried often *iooi-iooi*, pretty, pretty. I observed that the Japanese was pleased with her new dress, and held a mirror before her. She was astonished at the difference of her complexion from that of the Russian lady, who was behind her, and pushed away the glass, saying, *wari, wari*, not pretty, not pretty. She had however a very agreeable appearance. Her face was rather brown, and long, regular features, a little mouth, with shining black lackered teeth. Her narrow black eyebrows, which seemed drawn with a pencil, shaded two brilliant eyes of the same colour, which were but slightly sunk in the head. Her dark hair, arranged in the form of a turban, had no other ornament than tortoise shell combs. She was of middling size, thin, and well formed. Her dress consisted of six garments, made of silk, thinly wadded, something in the form of our night gowns, very wide, and confined very low with a girdle. Below the girdle the clothes hung very full. The upper garment was dark, the rest of various colours. She spoke slowly, her voice was rather melancholy. She appeared to be about 18 years old. We offered her tea and gingerbread. She ate and drank with great pleasure. At her departure we made her some presents with which she was highly pleased. I told the surgeon's wife to kiss her. When she saw her intention she met the salute, and laughed heartily. She went on shore in the boat, which carried Kachi's letter to the governor of the island.' vol. ii. pp. 189—191.

The two Russian ships sailed out of the harbour on the 11th of September, with Kachi and his four sailors on board.

They were fired upon from all the batteries, but received no injury. In October they arrived at St. Peter and St. Paul's Haven, and were there shut up for the winter.

Golownin and his companions in the mean time had no distinct intelligence of the exertions, which their friends were making to obtain their deliverance. Their hours passed heavily at Matsmai, and all the arguments, by which they endeavoured to obtain their liberty, seemed thrown away upon the whimsical people who held them in captivity. They once escaped from their imprisonment, but after wandering in the mountains through the day, and on the sea shore during the night, for the space of ten days, in the hope of finding a boat in which they might embark, they were discovered, carried back to Matsmai, and confined for two months in the city prison. They were told that by the Japanese law, if they had not been retaken, the governor of Matsmai, and all the persons in whose custody they were, would have suffered death. They were finally restored to their former residence, and continued to receive the kindest treatment from the governor. In September the letter of Rikord to the governor of Kunashir was shown to them, and also one addressed to Golownin. These were translated into Japanese and immediately sent to Jeddo. Their hopes of immediate release were soon disappointed, by the intelligence that Rikord had captured a Japanese ship, taken several prisoners, and returned to Russia. Another winter passed away, during which the prisoners learned from their interpreters that their cause was the subject of constant discussion at Jeddo. During this time they were in a state of most anxious suspense; their alarm was increased by the falsehoods which were told by Leonsaimo. Arrao Madsimano Kami, who during their captivity was removed from the governorship of Matsmai to a higher post, had from the beginning shown them great kindness. And they learned from their old interpreter, Tesky, now his secretary, that he had exerted himself very much on their behalf.

'The Japanese government,' says Golownin, 'had, as Tesky assured us, come to the conclusion, to listen to no friendly explanations from the Russians, since, after all that had taken place, they thought they had nothing to expect from them but falsehood, deceit, and hostility. Arrao Madsimano, however, convinced them that they could not judge the laws and customs of other nations by their own, and brought them at last to the conclusion

of negotiating with the nearest Russian commander, upon the state of things. When the government demanded that the Russian ship should only enter the port of Nangasaky to make their explanation, he opposed this and declared that the Russians, from this demand of the Japanese, would imagine that another surprise was intended for them; for how could they believe that the Japanese were going fairly and honourably to work, if they demanded that the Russian ship should take so long a voyage, to arrange a business which could be done much nearer and quicker in some port of the Kurilian Islands. The government objected to this that they could not, without a breach of their laws, permit the entrance of a Russian ship into any port, except Nangasaky. But he replied to them in the following impressive manner. If the sun, moon, and stars, the work of the Almighty, are subjected to changes in their course, the Japanese ought not to consider their laws, formed by weak mortals, perpetual and unchangeable. In this way he prevailed on the government to give orders to the new governor of Matsmai to enter into negotiations with the Russian ship, without demanding that they should sail for this purpose to Nangasaky. Tesky assured us, that no other of the Japanese nobility would have dared to make such a representation to the government. But Arrao Madsimano, who, on account of his great understanding and his virtues, was universally known and beloved by the people, did not fear to speak the truth; besides, he was son in law of the governor of the capital, a dignity which was only granted to those who approached near the Emperor, and also a half brother of one of the Emperor's favourite mistresses. The last reason, according to our European customs, would be a sufficient explanation of his influence.' pp. 379, 380.

After this determination, orders were given to the commanders of the seaports, to receive the Russian ship on its return in a friendly manner. And the prisoners were permitted to write a letter to their friends on board the ship, assuring them of their health and safety. This letter was translated into Japanese, and sent to be examined at Jeddo.

Rikord with Kachi passed the winter at St. Peter and St. Paul's Haven, where the latter was much surprised to find himself quite at liberty. On the 23d of May 1813, Rikord put to sea in the Diana, and reached the Bay of Treachery in 20 days. The garrison was hung about with cloth as before, and they were not fired on by the batteries. They sent the two Japanese sailors ashore, and the next day Rikord and Kachi landed. They were met by their Japanese messengers,

who had been kindly received; there were in the fort three officers, the two oldest were Kachi's friends. Rikord returned to the ship, and Kachi proceeded to the fort, promising to return next day. He returned at the promised time, and brought the intelligence that their countrymen were all well. By the advice of Kachi, Rikord sent him with a proposal to the governor, that Rikord should sail directly to Chakodade, and that the governor of Kunashir should allow two Japanese to accompany him, that he might enter at once upon the negotiations. This the governor declined, but promised to send their proposal to Matsmai, where he had also sent their first letter the day of their arrival, and informed them that there were interpreters in Matsmai, and that the post went and returned in twenty days. They concluded to wait the result of this, and during this time they desired permission to examine the bay in boats. This was refused, though very potitely, by the governor.

July 20, Kachi brought them the letter from their imprisoned countrymen, mentioned above, which was dated Matsmai, May 20, 1813. July 16, they were visited by the Kurilian Alexis and one of the imprisoned sailors, and were informed by Kachi, that an officer, Takahassi Sampey, was employed to negotiate with Rikord; and this officer informed him, by Kachi, that it was not in his power, according to the Japanese laws, to meet the Russian officers on board his ship, but he communicated by Kachi the following propositions.

1. The Russians must, by their official letters to the Japanese government, signed and sealed by two commanders, give a proof that the attack of Schwostoff upon the Kurilian Islands and Sachalin was entirely without the knowledge and consent of the Russian government.

2. It is known that Schwostoff by his attack disturbed the quiet of the people, and carried away with him to Ochotzk rice and other articles belonging to individuals, and that he also had taken some warlike munitions, consisting of armour, arrows, muskets, and cannon. Respecting the first named articles, the Japanese were sensible that they must have long since been useless. But the last, from their nature, could not have been entirely ruined; and the Japanese government insisted on their being returned, lest in time to come they might be considered as trophies, which the Russians had obtained by right of conquest. But although they could not be

injured by use, yet they might not perhaps be now in Ochotzk, and it might be difficult to collect them. For this reason, the Japanese government would be satisfied, if the governor of Ochotzk gave them a declaration, that none of the articles brought by Schwostoff from the Kurilian Islands and Sachalin, could be found upon the most diligent search in Ochotzk.

3. Respecting the circumstances which happened the year before, in consideration of the circumstances existing at the time, the Japanese government consider the conduct of Rikord as justifiable. The Japanese government have been assured by Takatai Kachi, that he went of his own accord to Kamstchatka.

4. To conclude, Takahassi Sampey hopes that it may be possible for the Russian ship to return from Ochotzk to Chakodade, with the testimonials and explanations required by the Japanese government this summer, where he will with another officer await her return, to receive these testimonials with the regular solemnities. He assured them, that the liberation of the prisoners was desired at Jeddo, and added his wishes that the Russian ship might have a prosperous voyage and quick return to Chakodade.

July 29, they left Kunashir and reached Ochotzk in fifteen days. Here Rikord received from the governor of this place, the testimonials required by the Japanese government, and an explanation of all that related to the affair, in a letter from the governor of Irkutzk to the governor of Matsmai; he took with him, also, a Japanese from Irkutzk, as interpreter, and sailed again for Japan, August 11. The 22d, he entered Vulcan's Bay, and steered for the port Edomo; a boat came out from the shore, and those on board informed him that they had orders from the governor of Matsmai to pilot the Diana into Chakodade. She was taken into Edomo, supplied with fresh water, &c. and the 27th they reached Chakodade. On their arrival, the whole city was hung with cloth, and in the bay they saw six places hung in the same manner, probably batteries. The 29th Rikord went on shore and delivered his letter from the governor of Ochotzk to the under officers, to be delivered to the governor. The forms, on occasion of his landing and meeting the officers, are amusing, but we have not room for them. They were not permitted to see Golownin and his countrymen at this time. The 30th Rikord went on shore and was allowed to see Golownin. October 7, he went

PUBLIC LIBRARY
FITCHBURG, MASS.

again on shore. He met the imprisoned Russians dressed in great splendour, by order of the Japanese, in presence of the same officers and with the same ceremonies as on his first visit. At last he received in a solemn manner, from the Japanese officers appointed to negotiate with him, his imprisoned friends and the papers from the Japanese government, for which he returned the Russian papers. They were then feasted after the Japanese manner. At two o'clock they took leave of the Japanese, and returned on board the ship accompanied by some of their friends and a vast number of spectators of both sexes. The ship was surrounded with boats. They were now supplied with fresh water, wood, rice, salt, and other provisions. Although the Russians declined taking them, as they were not in want of any thing; the Japanese assured them that it was their duty to provide the liberated prisoners, with support sufficient for their return to Kamtschatka. The Japanese women were not allowed to come on board, though there were many in the surrounding boats. The Russians sent them some trifling presents by the men which they accepted. The Japanese officers refused all presents except some portraits of Russian heroes. These they consented to take, without the glasses and frames, which they seemed to think of great value.

October 10th, the Russians left the harbour, and arrived in Kamtschatka November 3d. During the imprisonment of Golownin and companions of more than two years they received no intelligence of any kind from Europe. They awaited with the greatest impatience the return of the sailor, who with Alexis, was permitted to go on board the Diana the spring before they were set at liberty.

'But this man was in the strict sense of the word a dunce. Turks and Frenchmen were all the same to him. He had never troubled his head with political or military affairs. He could only tell us that the French with three other nations whom he could not recollect, had made an attack upon Russia, had suffered a defeat near Smolensko, in which many thousands were killed. The remainder with Bonaparte suddenly crossed the Dwina. But when all this happened, who commanded the armies, and how it ended, all this he had forgotten. He could however, for our consolation, tell us that Fomka Mitrofanoff was married, that Seniuschka Chlebalkin was dead, and other important affairs of this sort, which he related to the great delight of his comrades

6213

with as much minuteness, as if he had himself attended the wedding and burial.' pp. 414, 415.

We have been so long occupied with the personal narrative of our author, that we have little room left to notice his geographical remarks. His work however adds a good deal to our stock of authentic information respecting the empire of Japan.

The population of Japan has hitherto been estimated at from 35 to 50 millions. Golownin confirms the idea of its vast population.

'It was impossible for me,' says he, 'to learn the exact population of the empire of Japan. As many millions of the poor people have no fixed place of residence, the government consider it impossible to enumerate them. We were shown a map of Japan, which was drawn on a very large sheet of paper. On this map not only all the cities but the villages were laid down, and the names of them entirely covered the paper.'——'A scientific Japanese with Tesky, brought us a plan of the capital city, Jeddo, and told us that a man could not walk from one extremity of it to the other in a day. We questioned them about the population, and they assured us, that it contained over 10 millions, and insisted on this when we appeared to doubt it. They brought us the next day some notes taken by one of their officers, who had served among the police in Jeddo. In these he says that this city in its principal streets has 280,000 houses, and in each of these from 30 to 40 persons. If 30, the number of inhabitants must amount to 8,400,000. Add to this, the inhabitants of the little houses and huts, those who live in the open air, the imperial guard, the guards and suite of the princes in the capital, and the number of inhabitants must far exceed 10 millions. In support of their assertion the Japanese stated that in Jeddo alone there were 36,000 blind men.' vol. ii. pp. 128, 129.

The author considers the Japanese one of the most enlightened people in the world. For although they fall below the Europeans in the higher branches of science, some degree of learning is universally diffused.

'The Japanese make use of two kinds of writing; 1st, the Chinese, in which almost every word has a separate sign. These signs, the Japanese say, they borrowed some thousand years ago from the Chinese, so that the name of a thing, though when spoken it is very different in Chinese and Japanese, would be express-

ed in writing by the same sign. This sort of writing is made use of in works of a higher kind, in official papers, in the correspondence of the higher classes. 2d. An alphabet, peculiar to the Japanese, consisting of forty eight letters, which is made use of by the lower classes of the people. There is no man among the Japanese, however inferior his station may be, who does not know how to write in this way, and they were very much astonished that of our four sailors not one could write.' vol. i. p. 187.

'The Japanese are exceedingly fond of reading. Even the common soldiers on guard read almost incessantly. This was rather unpleasant to us, as they always read aloud and in a singing tone, nearly like that in which the psalm is read with us at a funeral. Before we became accustomed to it, it prevented our sleep in the night. National history, descriptions of civil commotions and wars with the neighbouring people, are the favorite reading of the Japanese. All these books are printed in Japanese. They do not make use of leaden tyyes in printing, but the letters are cut in blocks of hard wood.' vol. i. p. 274.

The Japanese in summer as well as winter burn fire on the hearth from morning to evening. Men and women sit round it and smoke tobacco. The tea-kettle is never taken from the fire, for tea is the standing drink for the quenching of thirst. If they have not that, they take warm water, for they never drink any thing cold. Even their sagi they prefer warm.

We add the following extract for the benefit of such English or American navigators, as may have occasion to approach the Japanese coast.

'Tesky related to us an adventure which had extremely enraged the Japanese government against the English, so much so, that if an English ship were now to appear on their coast, they would treat it in the same manner they had done ours.

'One or two years after the departure of Resanoff, a great ship under Russian colours appeared at the entrance of the port of Nangasaky. Some Dutch and Japanese were immediately sent on board by the governor. The first all but one were retained, but the latter were sent back with the remaining Dutchman to declare that it was an English ship, and that on account of the war existing between the two nations, the Dutch would be kept as prisoners, if the Japanese did not give up a certain number of oxen and swine. In expectation of an answer the English entered the harbour in a boat, and measured the depth of it. Meanwhile the Dutch had persuaded the governor to make this exchange. The swine and oxen were sent on board the ship and the Dutchmen

set at liberty. The governor lost his life for it, and orders were given to regard the English as enemies.' vol. 1. p. 260.

There is a map of the Kurilian islands, at the end of the first volume of this work, and there are four or five charts or plans of harbours, at the end of the second. As the work has already made its way from the Russian to the German, we are not without hopes, that it will in due time emigrate into the latitudes of our English language.

Art. V.—*Recollections of Curran and some of his Cotemporaries. By Charles Phillips, Esq.* 8vo. pp. 340. New York, C. Wiley & Co. 1818.

We Americans have a right to criticise Mr. Curran, for perhaps no one man has done so much injury to the taste of our country. This however is something of a compliment, for although we are not convinced that our national taste has ever yet reached the very summit of perfection, still we trust that it is not so totally depraved, as to be seduced and led astray by that which has neither beauty nor merit to recommend it. It was said by some one, that 'the common people are the best judges of eloquence:' and we recollect having seen the remark quoted by one of the editors of Curran's Speeches, for the purpose no doubt of warning all evil-minded critics, that the merit of his oratory had already been passed upon. If it be so, it is only left for us to question the competency of the tribunal. We shall accordingly begin by denying the truth of the above remark. Mere buffoonery will excite the laughter of a popular assembly; mere rant and declamation will frequently call forth their applauses. And if it be true that every oration is eloquent, which has found a rabble silly enough to give it their approbation, then has the world, all along, been under a gross mistake in supposing that eloquence is one of the fine arts, and the profession of the orator is but a degree above that of the juggler or the mountebank.

Maintaining, therefore, that there is no impropriety in discussing, or, if need be, of denying the merits of a speech; even though in so doing, we should contradict the decision of an Irish or any other mob; we are now willing to make some concessions on the other side. Eloquence, like government, is designed for the people, and ought to be fitted to them.

And as we should have little opinion of the constitution which, however beautiful philosophers might think it in theory, could not after a fair trial command the affections of the great body of the people; so we should think that style of oratory, to say the least of it, very useless, which could produce no effect, but upon a few minds, which had been formed by peculiar studies. But this no more proves that the people are the best judges of eloquence, than it proves that they are the best politicians. We protest against the merits of a speech being estimated by the number of times the orator is interrupted by applause, or by the round and unqualified opinion which ignorant men may pronounce of its excellence. But then we have no doubt that the real effect which the orator produces upon a common audience, his permanent success in accomplishing his objects, may be considered the true measure of his eloquence, though it is not always a safe one; since his success is frequently assisted or retarded by circumstances foreign to the merit of his address. When we speak of his success, we take it for granted that the object of the orator is, not to excite noise and laughter, but to produce conviction on a given subject, or to inculcate particular opinions, or to impel his hearers to a particular course of conduct. And when this is the case, we assert that the style of address best suited to his purpose is precisely that which correct taste would most approve. If then, what is meant, by calling the common people the best judges of eloquence, be merely that real eloquence will never fail of commanding their admiration: nay, if more be meant, that nothing will produce so strong and deep an effect upon any assembly as good sense and correct taste, then we not only assent to the proposition, but we are ready to maintain its truth. Indeed how can it be otherwise? Criticism, by which the canons of taste are collected, must regard the operation of particular qualities in the works of art, on those faculties and passions, which nature has bestowed upon all men in common. If it do less than this; if it confine its observations to the operations of such qualities upon minds, which have been refined by art, until nature has lost its influence with them; then the criticism itself is unsound, and its deductions not to be regarded. It is true, perhaps, that the public taste may become so perverted, the public mind so contaminated and debased, as to have lost its capacity of

relishing real beauty or sublimity when offered it. But this at worst can only happen when public morals shall have reached their lowest point of degradation; and when this happens, it will be of little use to inquire which is the best style of eloquence; as the bar, the popular assembly, and the senate will before that time have ceased to be the theatres of free discussion.

But still the memory of our readers may suggest instances in which it may seem that equal, or even deeper effect, has been produced by false taste, than could have been produced by real eloquence. These facts, however, will probably admit an explanation, without our being driven to such a conclusion. There may be a great deal of eloquence mixed up with what is false and meretricious, a great deal of vigour and strength with what is coarse and vulgar, a great deal that is wild and beautiful with what is forced, unnatural, and conceited. Now the mob are not very discriminating; when they admire or condemn, it is for the whole. They are however upon ordinary occasions more disposed to approbation, than to censure; and where there is any thing really calculated to produce effect, they will not resist its operation, because it is accompanied with what is superfluous or tawdry. But it is not so with men of a certain degree of refinement. Their palate is too nice not to discover the mixture, and they are perhaps too often disposed rather to reject the whole, than to swallow the bad for the sake of the good. We do not say that this is correct; but that this fastidiousness is the natural result of a partial cultivation, there can be no doubt. Thus it is certain that very great and important effect is produced by field preachers, whom the majority of the educated would call vulgar and illiterate. But the truth is, such men generally possess some of the most important requisites of real eloquence; and with all their coarseness they exhibit a vigour of conception, a strength of language, and an earnestness of manner, which wiser men would do well to acquire. But will any one pretend that the same vigour and strength would be less powerful if it were likewise graceful; or that the same earnestness would not be at least equally attractive, if it were accompanied with purity of language and correctness of thought?

There is another fact worthy of attention. Men of education generally form for themselves an ideal standard of excel-

lence, by which they are very apt to measure the merits of a particular performance. But it is not so with the mass; these latter, when they listen to a speech, are glad to be pleased at any rate, and, provided it affords them amusement or excitement, they seldom think of making comparisons, or of entering into an inquiry, whether the occasion did not allow the speaker to produce an effect of a different or a higher kind. But although satisfied, for the time, with what has but little merit, and perhaps many positive faults, it does not follow that they would not have been more deeply and permanently affected with such a performance, as would likewise have commanded the approbation of men of more intellectual refinement. We might find illustration of the truth of these remarks, every time we attend the theatre. If in the beginning of a piece, a second rate performer appears, whatever may be his affectation, however unnatural his measured enunciation, and imperfect his conception of his part, yet if he possess a fine voice, a handsome figure, and a tolerable degree of spirit and animation in his bad acting, the majority of the audience will applaud and appear as they really are, perfectly satisfied. And if no better acting were presented, they would go home warm in their approbation of what they had seen. But let another actor of genius and of more taste appear, and the late favourite sinks into neglect; he struts and rants almost unnoticed; and by the deep silence which at one moment fills the house, and the enthusiasm with which, at the next, the applauses are poured forth, it may be seen how much deeper and more real is the interest now felt.

But how happens it then, especially since the common people are more disposed to applaud than to condemn, that we so often hear orations and sermons, which are thought good by men of education, but to the merits of which other men are totally blind? We answer, that it must be owing to some fault, generally it is true to some negative fault, in the style or structure of the piece. Dulness, for instance, is what a mixed audience will never tolerate; and it is almost the only sin which an orator may not sometimes commit with impunity. But, notwithstanding the style of an oration may be rather dull and jejune, yet if it contain sensible and sound thought, and be besides critically correct, men of refinement will often vouchsafe it their approbation. But they would not pretend that there was eloquence in the piece; nor ought they to be

surprised, that men, to whom mental exertion is not habitual, do not find a recompense for dulness of manner, in mere correctness of thought. But besides this, a style may not only be correct, but highly polished; and yet be but poorly fitted for oratory. An oration, for instance, written in the manner of Dugald Stewart, would, even if listened to, produce no effect upon a mixed audience. This is not because his style wants ornament; nor because it is used in treating of profound subjects. We frequently hear arguments at the bar upon subjects fully as perplexed, founded on the most hidden principles of human nature or of civil society, composed too in a style of chaste and even severe oratory, which nevertheless command the most fixed attention of every part of the audience. But it is, that such a style, as that just mentioned, admirable as it is in its place, is really defective, when considered in reference to the purposes of the orator. It wants fulness; it does not give the connecting links in the chain of thought, as they ought to be given in a spoken address; it leaves too much to be supplied by the hearer. In the hands of the orator, therefore, it would be an obscure style, without implying an obscurity in his own mind. It should be recollected too, that there ought to be a difference in the structure, as well as in the style, of a piece which is intended to be spoken, and one which is intended only for the eye of the reader. It is owing to a forgetfulness of this difference, that many very sensible written orations fail of producing any important effect. A very great portion of those performances which we hear from the pulpit are mere essays. A man chooses a subject, and sits down to write whatever he thinks important, of, about, or connected with that subject; the consequence is, that if his hearers follow him in his course of thought, they discover no definite point to which his remarks were directed, and the discourse is only remembered by one or two more striking observations, which are left floating in the mind, and of course are soon lost. But when a man starts for the purpose of proving particular truths, or of producing particular impressions, he will naturally give a close texture and an unity to his discourse. His hearers, if he make himself intelligible, will discover a direction and an object in what he says; and although he should deal out no gaudy sentences to be remembered by themselves, yet the impression produced by the whole will remain, and with it much of the general course of thought bywhich that impression was produced.

We believe, then, that in every instance, where good sense and taste have failed of producing their just effect, the failure may be accounted for without supposing that the people require false declamation. Real eloquence—such as men of taste may admire—is never disregarded but under the most extraordinary circumstances; and nothing else is ever certain of producing a real and permanent effect. If a man's ambition is to be satisfied with the momentary applauses of the vulgar, applause which any good rope-dancer might rob him of, why let him collect a few sounding epithets, and as much unnatural imagery as he can, and 'spout forth a little frothy water on a gaudy day, and remain silent all the rest of the year.' But let him not expect that even the multitude will cede to him the influence or the permanent reputation of an orator. We have no wish to proscribe ornament or to recommend a cold style of address. All the ardour which a man naturally imbibes from his subject, all the ornament which sets easily and gracefully about him, is correct, and it is useful. And we confess that we should be glad to see more of such warmth in the oratory of this part of the country; and that we think the style of such of our public speakers, as are above the use of false ornament, is not unfrequently too cold and phlegmatic. But we have no wish to see even this changed for that artificial swell and frothy declamation, which is fashionable in some other sections of the country. We have spent more time in these remarks, than we should have done, did we not know, though their truth may not be denied in words, how often they are disregarded in practice, even by men of just pretensions to taste. And that it is but too common for such men, in appearing before the people, to do it with an internal conviction, that they must adopt a style, which upon other occasions they would be ashamed of.

Coming then to Mr. Curran, we do not believe that he will furnish any contradiction of what we have said as to the superiority, in point of mere utility, of good eloquence over bad. Although there is a great deal about him which no man of any purity of taste can approve, yet there is enough of such as all must admire, to account for any effect which his eloquence may have produced. He was a highly popular orator during his whole career at the bar, and his speeches are still read, and his manner imitated. In his defence of Mr. Rowan, which appears to have been his great-

est effort, the enthusiasm of the audience was so wrought up, that he was interrupted in the midst of his address by a burst of applause; and when he concluded was again saluted in the same manner. Not content with this, the crowd, when he left the court, insisted, according to Mr. Phillips, upon dragging him home in triumph. Yet Mr. Rowan was found guilty, and most severely punished; justly for aught we can tell, at this distance of time and place; but from merely reading the publication for which he was indicted, we are not without our doubts. Some other of his printed speeches did not command that success which, upon the facts as given us, might have been expected from the highest efforts of forensic eloquence. We do not urge this as evidence against Mr. Curran. For we are aware that the manner of selecting juries in Ireland puts it in the power of the government, if so inclined, to select their own men, and that his greatest efforts were made in times of the highest party exasperation, whilst most of them were connected with what were then the subjects of party contention.

Leaving then an inquiry, which we have no means of settling, as to the real effect which his speeches actually produced, let us proceed to an examination of the speeches themselves. The greatest positive fault which Mr. Curran can be charged with is his bad taste. This however in its consequences frequently extends beyond his style. After reading one of his speeches, we do not always feel satisfied with our recollection of the course of the argument, and our minds are more disposed to dwell upon one or two beautiful passages, than upon the conclusions to which it was the object of the whole to lead. This however is not owing to a want of method or of connexion, although until we lately read his speeches with more attention than we had before done, this was our opinion. But it is owing, in part, to that want of simplicity, by which the reader, of course it would be so with the hearer, is often interrupted in his pursuit of the argument; but principally to that ambition of display by which the orator is led to bestow too much time and labour upon what should be but incidental and auxiliary topics, provided they furnish him with good subjects for declamation. Not but that these topics have generally a fair and natural connexion with the subject; but they are so thrust forward, that what should be objects of more attention are but little regard-

ed and soon forgotten. He does not miss the real questions in his case, for he had a mind capable of comprehending the whole of a subject, nor does he ever entirely lose sight of the main points; but he is not careful to keep the view of his hearer directed to them. The different parts of his speech are not absolutely disconnected, but they are not so closely rivetted together as to make it impossible not to see and feel their connexion and mutual dependence. This it is true is not always the case. His speech on behalf of Weldon, published by Mr. Phillips for the first time, is not obnoxious to these charges. It exhibits less genius than those in defence of Rowan and of Finerty, but as a forensic argument it is superior to any thing of Mr. Curran we have ever seen.

Before we proceed any further in our remarks, we think it proper to state, that the volumes of Curran's speeches, which have been given the public, were not collected by himself or under his direction. Indeed we are told by Mr. Phillips that he offered £500 to have the publication suppressed. It is very probable therefore, that the selection is not in all respects the best which might have been made; and that other speeches might have been found, as creditable to his powers of close and connected reasoning, as the one in defence of Weldon. At the same time the speeches, which are given us, appear to be fully, and as far as we can judge, very accurately reported. It is some proof that they are not otherwise, that they were collected many years before the death of Mr. Curran, and we never heard of any complaint from him or any of his numerous admirers, until the publication of Mr. Phillips' book. We have no doubt that they afford us an accurate idea of his peculiarities both of style and thought. Indeed some of them, especially those in the cases of Rowan and Finerty, have evident marks of having been corrected by the author himself.

It would be very natural, after reading one of Curran's speeches, to say that it appeared to have been more an object with him to make a fine harrangue, than to gain his cause. Mr. Phillips has, rather undesignedly, furnished us with something more than internal evidence of this fact. We extract the following account of Mr. Curran's mode of preparation for a trial.

'An attention to the pleasures to the exclusion of the labours of life, has been made a constant article of accusation against him,

certainly not without some foundation, but one to which he always gave a most indignant denial. However his notions of industry were very ludicrous. An hour to him was a day to another man; and in his natural capabilities his idleness found a powerful auxiliary. A single glance made him master of the subject; and though imagination could not supply him facts, still it very often became a successful substitute for authorities. He told me once in serious refutation of what he called the professional calumnies on this subject, that he was quite as laborious as it was necessary for any Nisi Prius advocate to be: "For," said he with the utmost simplicity, "I always perused my brief carefully when I was concerned for the plaintiff, and it was not necessary to do it for the defendant, because you know I could pick up the facts from the opposite counsel's statement.' p. 283.

This passage should be considered in connexion with another.

'It would not be quite fair to judge him by those casual effusions which he flung off in the moment of hurry or of carelessness; but the passages which I shall quote he was accustomed to call his *de bene esses*, highly finished for the purposes of effect, and prepared to be dove-tailed into the less elaborate compositions. At the same time, it would be doing Mr. Curran a gross injustice to assert that he never rose high except from previous reflection. The fact is otherwise. He seldom produced a more powerful impression, or blazed into a more cloudless meridian, than when he was inflamed or exasperated by the opposition of the moment. Of this the reprisal upon Lord Clare, as above quoted, is a prominent instance. It is a very foolish, but a very favourite opinion of some, that the merit of a speech is much diminished by the circumstance of its preparation. But it appears to me just as possible to produce a law argument upon the spur of the occasion, replete with intuitive learning, and fortified by inspired authorities, as any of those sublime orations to which mankind have decreed the palm of eloquence.' pp. 145, 146.

We perfectly agree with Mr. Phillips in this last remark, but we do not think the kind of preparation chosen by his master, is the very best. This whole plan of 'dove-tailing' appears to us to be founded in mistaken policy. It must cost so much labour and care to construct fine passages by themselves, and then to introduce them in such a manner that they shall not appear out of place; that it would probably be both an easier and a safer way to understand the subject well.

and then to trust for fine passages to the animation which that and the incidents of the occasion may inspire.

Mr. Phillips speaks of 'the exquisite euphony of Curran's sentences.' In our opinion the undue importance which he obviously attaches to the shape and sound of his sentences is among Mr. Curran's greatest faults. There is nothing in the whole compass of English literature equal to the harmony of Chatham's periods. But this characteristic of Chatham's style strikes us very differently from what it does in Curran's. In Chatham it is never purchased by the sacrifice of purity, strength, or perspicuity. It consists in the best arrangement of the most appropriate and elegant language. Curran certainly has a great many fine and nervous expressions, but he makes the harmony or rather the balancing of his periods depend as often upon the number, as upon the selection of his words. Abruptness seems to have been the error he most dreaded, and he is determined to avoid it, whatever may be the cost. For this purpose he resorts to a redundancy of epithets, he misapplies words, or makes new ones for the occasion, and involves his sentences, so as to obscure his meaning. He introduces superfluous thoughts which serve only to bewilder; and sometimes uses words which convey no meaning whatever, so as to enable him to continue the sound after the idea is exhausted. His sensitiveness upon this point manifests itself even in what are intended for his boldest and most passionate appeals. He would have been mortified, to use one of his own expressions, if 'he had not writhed with grace and groaned in melody.'

But the most dangerous fault of Mr. Curran, the most dangerous to his admirers, is his love of unnatural ornament. He had an imagination of wonderful vigor and fertility; but he is not content with the materials which nature furnished for its exercise. He seems never to have suspected that there was such a thing as simple beauty. In nearly all of what he intended for his finest passages, there is something overwrought and extravagant; something, which when compared with the subject to which it was intended to be applied, would appear revolting or ludicrous. Perhaps however, as we have made so many charges against Mr. Curran, it is time for us to produce some extracts to bear us out in our opinions. We cannot deal more fairly than by taking one which Mr. Phillips has set down among his '*de bene esses*,' and one which

most of his admirers would count among his most beautiful passages.

'I speak not now of the public proclamation of informers, with a promise of secrecy and of extravagant reward; I speak not of the fate of those horrid wretches who have so often been transferred from the table to the dock, and from the dock to the pillory; I speak of what your own eyes have seen day after day, during the course of this commission, from the box where you are now sitting, the number of horrid miscreants, who avowed upon their oaths, that they had come from the very seat of government, from the castle, where they had been worked upon by the fear of death and the hopes of compensation, to give evidence against their fellows; that the mild and wholesome councils of this government are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness.

'Is this fancy, or is it fact? Have you not seen him after his resurrection from that tomb, after having been dug out of the region of death and corruption, make his appearance upon the table, the living image of life and of death, and the supreme arbiter of both? Have you not marked when he entered how the stormy wave of the multitude retired at his approach? Have you not marked how the human heart bowed to the supremacy of his power, in the undissembled homage of deferential horror? How his glance like the lightning of heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death; a death which no innocence can escape, no art elude, no antidote prevent. There was an antidote, *a juror's oath*, but even that adamantine chain, that bound the integrity of man to the throne of eternal justice, is solved and melted in the breath which issues from the *informer's mouth*; conscience swings from her mooring, and the appalled and affrighted juror consults his own safety in the surrender of his victim.

'Et quæ sibi quisque timebat,
'Unius in miseri exitium conversa tulere.'

Speeches,* vol. i. pp. 225, 226.

We are informed by the editor of Curran's speeches, that this passage may be set in comparison with Milton's description of Sin and Death. And indeed if it were applied to a merely imaginary monster, and not to a poor witness stand-

* In our quotations from Curran's Speeches, we use the New York edition, of which the punctuation is studiously retained in our extracts.

ing harmlessly within a few feet of the orator, some parts of it would be extremely fine: for instance, 'the stormy wave of the multitude retiring at his approach,'—'his glance, as it were, riving the body of the accused, whilst his voice denounces woe and death,' &c. We shall not admit even thus much of 'the antidote, *juror's oath*, adamantine chain, binding the integrity of man to the throne of eternal justice;' or of the picture of 'conscience swinging from her mooring.' And we would call upon any lover of this sort of style, to point out the idea which he collects from being told, that 'horrid miscreants' are brought 'from the castle, where they had been worked upon by the fear of death and the hopes of compensation, to give evidence against their fellows, that the mild and wholesome councils of this government are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness. Is this fancy, or is it fact,' or is it *verbiage?* Mr. Phillips, accustomed as he is to this kind of oratory, appears to have been puzzled by this sentence, and has altered the punctuation, by placing a semicolon after the words, 'give evidence against their fellows.' But this, at best, is substituting no meaning at all, for a very ridiculous one.

Mr. Curran's ambition constantly to talk in figurative language, leads him at one time to crowd together a number of discordant and broken metaphors; and at another to dwell upon a figure until it loses all its original vigor and beauty. The following passage is taken from the exordium of a mere law argument, addressed to the Court of Exchequer. The suitableness of the style of his addresses to the occasion, or to the audience, seems never to have been a subject of much regard with Mr. Curran.

'I observe, too, the dead silence into which the public is frowned by authority, for the sad occasion. No man dares to mutter; no newspaper dares to whisper that such a question is afloat. It seems an inquiry among the tombs, or rather in the shades beyond them.

'Ibant sola sub nocte per umbram.

I am glad it is so; I am glad of this factitious dumbness; for if murmurs dared to become audible, my voice would be too feeble to drown them; but when all is hushed, when nature sleeps,

'Cum quies mortalibus ægris.

The weakest voice is heard, the shepherd's whistle shoots across the listening darkness of the interminable heath, and gives notice that the wolf is upon his walk, and the same gloom and stillness that tempt the monster to come abroad, facilitate the communication of the warning to beware. Yes, through that silence the voice shall be heard; yes, through that silence the shepherd shall be put upon his guard; yes, through that silence, the felon savage shall be chaced into the toil. Yes, my lords, I feel myself cheered and impressed by the composed and dignified attention with which I see you are disposed to hear me on the most important question that has ever been subjected to your consideration; the most important to the dearest rights of the individual; the most deeply interesting and animating that can beat in his heart, or burn upon his tongue. Oh! how recreating it is to feel that occasions may arise, when the soul of man may reassume her pretensions; in which she hears the voice of nature whisper to her, *os homini sublime dedi cœlumque tueri;* in which even I can look *up* with calm security to the court, and down with the most profound contempt upon the reptile I mean to tread upon! I say reptile; because, when the proudest man in society becomes so the dupe of his childish malice, as to wish to inflict on the object of his vengeance, the poison of his sting, to do a reptile's work, he must shrink into a reptile's dimension; and so shrunk, the only way to assail him is to tread upon him. But to the subject; this writ of *habeas corpus* has had a return.' *Case of Justice Johnson. Speeches*, vol. i. pp. 145, 146.

It is very probable, that if any of the admirers of Curran had undertaken to select the best specimens of his eloquence, the two passages we have given above, would have been cited amongst the number. We doubt not that either of them would have been applauded in a common popular assembly. And as far as it is desirable to excite an indefinite and indescribable emotion in the minds of the auditors, broken metaphors, inappropriate and unnatural descriptions, expressed in language as glowing as that of Curran, will answer the purpose. The moment, however, such attempts are compared with the subject under discussion, their extravagance becomes manifest. It is true, they serve to conciliate unreflecting men, and consequently to give an authority to what the orator may choose barely to assert. But this is but a humble enterprise for genius; and as modern discussions are conducted, it is seldom likely to be successful. All its effects may be easily dissipated and swept away by eloquence of equal animation and more purity, manliness, and good sense.

We can easily find examples of what we have said of Curran's preference of the sound to the thought. Thus in the defence of Finney—

'I said the distinction was of great moment, because it is endeavoured to be held forth to the public, to all Europe, that, at a time like this of peril and of danger, there are, in one province alone, 111,000 of your countrymen combined for the purpose of destroying the king, and the tranquillity of the country, which so much depends on him, an assertion which you should consider of again and again, before you give it any other existence than it deserves from the attainting breath of the informer; if nothing else should, to induce that consideration but the name of Irishmen, the honours of which you share, so foully, and, as I shall demonstrate, so falsely aspersed.' *Speeches*, vol. i. p. 249.

In the same speech,

'If there be but *one* witness, there is the less possibility of detecting him, he the less fears the detection of his murderous tale, having only infernal communication between him and the author of all evil; and when on the table, which he makes the altar of his sacrifice, however common men may be affected at the sight of the innocent victim, it cannot be supposed that the prompter of his perjury, will instigate him to retribution.' *Ibid*, p. 253.

The argument, stated in common language, is, that as the Devil first prompted the witness to commit perjury, the Devil will not assist him to relent: therefore, where there is but *one* witness, there is the 'less possibility of detecting him.'

The following is one, among many, fine specimens of *bathos*, which might be selected from his speeches.

——'What said the innocent countryman, Patrick Cavanagh? Pursuing the even tenor of his way in the paths of honest industry, he is in the act of fulfilling the decree of his Maker; he is earning his bread by the sweat of his brow, when this villain, [O'Brien] less pure than the arch fiend, who brought the sentence of laborious action on mankind, enters the habitation of peace and humble industry, and, not content with dipping his tongue in perjury and blood, *robs the poor man of two guineas!* Can you wonder that he crept into *the hole of the multitude*, when the witness attempted to *develop* him?' *Ibid*, vol. i. p. 257.

The meaning of this last question is—'can you wonder that

he attempted to hide himself in the crowd, when the witness would have pointed him out?

Sometimes this absence of meaning extends beyond one or two sentences; as in the following passage, in which we are occasionally mocked by a glimpse of meaning, without being able, after reading the whole, to tell what said meaning is.

'My friends, if you suffer your consciences to be influenced, to be degraded into opinions of the consequences of your verdict; you are bound to decide by the evidences, the glorious privilege of trial by jury. If martial law must cut the thread of brotherly affection, the necessity of it will cease; for verdicts of honest jurors will restore your country to peace and tranquillity, and the liberties of your country will, by that means, be secured, and the supreme government of the nation be protected and supported, whatever the form of that government may be. Let me, however, ask, is there no species of law to be resorted to but terror? Let me observe to you, that the moral law is destroyed, when it is stained with the effusion of blood, and it is much to be regretted, when the terrors of the criminal law are obliged to be resorted to, to enforce obedience to the common law of the land by the people, for the sword may cover the land with millions of deluded men. Is it become necessary to hurl destruction round the land, till it shivers into a thousand particles, to the destruction of all moral law, and all moral obligations? By the common law of the land, no subject is to be deprived of life, but by a trial of his fellow-subjects; but, in times when a rebellion prevails in any country, many suffer without the semblance of a trial by his equals. From the earliest period of history down to the present time, there have been, in some parts of the earth, instances, where jurors have done little more than recorded the opinions given them by the then judges, but it is the last scene of departing liberty. I have read, that, in the period of the rebellion in England, in the last century, that jurors, on trials by the common law of the land, have been swayed in their determination, by the unsupported evidence of an informer, and after times have proved their verdict was ill-founded, and the innocency of the convicted persons had afterwards appeared; trials on charges of high treason are of the utmost moment to the country, not merely with respect to any individual, but of the importance it is to the public, that they should know the blessings of trial by jury, and that the jurors will solely determine, on their verdict by the evidences, *and maturely weigh the credit of the witnesses against the prisoner.*' *Bond's Trial. Speeches*, vol. i. p. 337.

Passages, such as we have selected, would hardly be found in the speeches of a man, who, with Curran's command of language, had made his thoughts his most important object of regard. We are aware that they are among his worst passages. But we give them, not as specimens of his general manner, but as instances in which his prevailing faults are made more apparent than usual, by being carried to excess. We do not say that he is often so silly, or so destitute of meaning, as some of the foregoing extracts would make him appear. But it is true, that he frequently makes a great parade of language to introduce a very little meaning, that his general want of simplicity frequently degenerates into obscurity, and that his love of the gorgeous and extravagant, often carries him into a ranting strain, which, to use expressions of his own, is 'neither law, nor poetry, but sometimes half metaphysical.'

If we have dwelt upon Mr. Curran's faults, it has not been owing to any blindness to his merits. On the contrary, we have done it from a conviction of his genius, which, we fear, is sufficient to make a bad school of eloquence fascinating and dangerous. We certainly think that Mr. Curran was a most extraordinary man: and we are willing to attribute it entirely to his want of taste, and his want of industry, that he was not one of the most powerful orators, the world has ever known. He had a bold and active mind; and one which, when he chose to exercise it in looking at the subject, manifested a great compass and expanse of vision. Where the occasion came up to his style, for he would not accommodate his style to the occasion, he must have been capable of great pathos. Besides which, he possessed a readiness of retort, and a power of continued invective, which, added to his courage, that could neither be awed by power nor disconcerted by sudden attack, must have always made him a formidable opponent, even when he was not likely to be a successful advocate. As favourable specimens of his eloquence, we would refer to that part of his defence of Finerty, where he details the circumstances of the trial and death of Orr; and to that in the defence of Rowan, in which he speaks of Universal Emancipation, as well as to the conclusion of the same speech. These and all his more striking passages are so well known, that it would be filling our pages to very little use, to extract them.

We have often seen attempts made to compare Curran with Erskine. The idea was naturally suggested by the fact, that, at the same time, they were at the head, the one of the English and the other of the Irish bar. But there is nothing in the speeches of the one, ever to call to mind those of the other, unless it be in the way of contrast. Erskine is a close, profound, and animated reasoner. He is remarkable, beyond almost any other orator, for the elegant consistency and dependency of the several parts of his speech. Every thing which he says has a meaning, every thing an object, and that object invariably the final success of his cause. He never for a moment allows you to lose sight of the question. He is not content with rousing the feelings of the jury, unless he can give those feelings a direction favourable to his client, or hostile to the opposite party. In reading Curran, you are frequently obliged to turn back and wade through metaphors and epithets to pick up the thought; and after all, you may not improbably be disappointed at finding it the most common thought in the world. Erskine brings down the most closely woven chain of argument within the reach of the meanest capacity. Curran sometimes appears (not, it is true, from natural incapacity) bewildered, and to be grasping at something which mocks and eludes him. Erskine is never incumbered with his own conceptions; he throws out his strong thoughts, as if it were a matter of course for him to think deeply; he manages his heavy weapons with such grace and adroitness, that you never suspect their weight, but from the force of the blow. Curran has, perhaps, more 'words that burn,' but in purity, vigour, and uniform elegance of language, Erskine is infinitely his superior.

It is difficult to make extracts from Erskine's speeches, they possess such uniform merit; and the excellence of every thing he says depends so much upon its place and connexion. Yet we are tempted to give a passage from each of these orators; both for the sake of, in some measure, making our peace with the admirers of Curran, by giving them another of his '*de bene esses*;' and then of showing such others of our readers as value language principally as it is a medium of communicating thought, with how much more of conciseness, and, we think, of force, Erskine is in the habit of expressing himself. In the course of argument, it becomes proper for each of them to *mention* the folly of attempting to restrain public discussion. Mr. Curran does it as follows,

'And what calamity are the people saved from, by having public communication left open to them? I will tell you, gentlemen, what they are saved from, and what the government is saved from. I will tell you also, to what both are exposed by shutting up that communication; in one case, sedition speaks aloud, and walks abroad; the demagogue goes forth, the public eye is upon him, he frets his busy hour upon the stage, but soon either weariness, or bribe, or punishment, or disappointment, bear him down, or drive him off, and he appears no more! In the other case how does the work of sedition go forward? Night after night, the muffled rebel steals forth in the dark, and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will apply the flame. If you doubt of the horrid consequences of suppressing the effusion of individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints, even the person of the despot there is never in safety. Neither the fears of the despot, nor the machinations of the slave have any slumber, the one anticipating the moment of peril, the other watching the opportunity of aggression. The fatal crisis is equally a surprise upon both; the decisive instant is precipitated without warning, by folly on the one side, or by phrenzy on the other, and there is no notice of the treason, till the traitor acts. In those unfortunate countries (one cannot read it without horror) there are officers whose province it is, to have the water which is to be drank by their rulers, sealed up in bottles, lest some miscreant should throw poison into the draught!' *Rowan's Trial. Speeches*, vol. i. pp. 91, 92.

Lord Erskine,

'When men can freely communicate their thoughts and their sufferings, real or imaginary, their passions spend themselves in air, like gunpowder scattered upon the surface;—but pent up by terrours, they work unseen, burst forth in a moment, and destroy every thing in their course. Let reason be opposed to reason, and argument to argument, and every good government will be safe.' *Trial of Thomas Paine. Erskine's Speeches*, vol. i. p. 305.

As Mr. Phillips has furnished us with a pretext for these remarks, we feel bound in politeness to say something of him. We do it the more readily, for thinking, as we do, that Curran's oratory is calculated to do great mischief in our country, we feel under great obligations to Mr. Phillips, for having, in some measure, furnished an antidote to the evil. The best criticism in the world will not expose the faults of a bad

model, half so effectually as an obvious, thorough imitation. If then, any one would observe the effect produced by bad taste alone, if he would learn how much beauty there is in an artificially swollen style, in confused and crowded imagery, in constant hyperbole and antithesis, in jingling epithets, which have no meaning, and flowing periods which contain no thought, in short, if he would see the faults of Curran's school pushed to the extreme, and standing not covered by the genius of its master, he may read the Speeches of Mr. Phillips. Then if he would judge of the talents of Mr. Curran, he may read Mr. Phillips' 'Recollections,' in which he will find the most finished passages of Curran's speeches collected, and occupying about one half of the book.

In this manner, Mr. Phillips may claim the merit of having made a complete exposition of the faults and merits of Curran. And this we fear is the only way in which he can support such a claim. The work before us is an entertaining, pleasant book, and written so much better than any thing, in *prose*, which we had anticipated from its author, that we are not disposed to find much fault with it. It contains, as we before said, a great many extracts from Curran's speeches, not a few from a work of Sir Jonah Barrington, with a number of very good puns, repartees, and anecdotes. As a piece of biography, however, it is certainly defective. It gives but a poor analysis of Curran's character, and does not supply us with materials for forming a very satisfactory one for ourselves. From what we learn of him, he appears to have been a man whose mind and character were not well balanced. He possessed most of the elements of greatness, but was not, in the true sense of the term, a great man. Although capable of the sublimest and most ennobling sentiments of morality, and apparently delighting in such sentiments; yet it seems to be admitted, rather than stated, in this book, that he was sometimes guilty in his conduct of gross immorality. He affords, too, another melancholy proof of the curse, to its possessor, of an ill-governed genius. Susceptible, at one moment, of the highest excitements of hilarity and social feeling, he would, the next, relapse into the depths of melancholy and despondency. In the last stages of his life, as generally happens with such men, this gloomier temper became the ascendant, and he appears to have passed most of his time, with his soul corroding from its own feelings, or haunted by those images of horrour, which an imagination like his could conjure up.

'It was a deplorable thing,' says Mr. Phillips, 'to see him in the decline of life, when visited by this constitutional melancholy. I have not unfrequently accompanied him in his walks upon such occasions almost at the hour of midnight. He had gardens attached to the Priory, of which he was particularly fond; and into those gardens, when so affected, no matter at what hour, he used to ramble. It was then almost impossible to divert his mind from themes of sadness. The gloom of his own thoughts discoloured every thing, and from calamity to calamity he would wander on, seeing in the future nothing for hope, and in the past nothing but disappointment. You could not recognize in him the same creature who but an hour preceding had "set the table in a roar."—his gibes, his merriment, his flashes of wit were all extinguished. He had a favourite little daughter, who was a sort of musical prodigy. She had died at the age of twelve, and he had her buried in the midst of a small grove just adjoining this garden. A little rustic memorial was raised over her, and often and often have I seen him, the tears "chasing each other" down his cheeks, point to his daughter's monument, and "wish to be with her and at rest."' p. 289.

——"Perhaps after one of these scenes of misery, when he had walked himself tired, and wept himself tearless, he would again return into the house, where the picture of some friend, or the contingency of some accident, recalling an early or festive association, would hurry him into the very extreme of cheerfulness! His spirits rose,—his wit returned,—the jest, and the tale, and the anecdote, pushed each other aside in an almost endless variety, and the day dawned upon him, the happiest, the pleasantest, and the most fascinating of companions.' p. 291.

Mr. Curran was of very humble parentage. The first rudiments of his education he owed to the kindness of Mr. Boyse, the rector of the parish where he was born. By the same gentleman he was sent to Middleton School, where he passed to Dublin College, which he entered as a Sizer. After leaving College he proceeded to London, 'where he contrived says Mr. Phillips, *quocunque modo* to enter his name on the books of the Middle Temple. Of his resources in the metropolis, I never heard him speak, and the subject was too delicate to introduce. I have it, however, on the authority of a friend who knew him well, that he had some small stipend from the school at Middleton, and, that, in addition to this, he profited considerably by his literary exertions.' His

subsequent rise was owing solely to his own talents and exertions.

As a lawyer Mr. Curran was not distinguished; and besides his eloquence, he seems to have been remarkable at the bar, only for his power of cross examination, in which, from all accounts, he appears to have been nearly unrivalled. His skill in this respect was no doubt owing, in a degree, to the acquaintance which, in his youth, he must necessarily have acquired with the feelings, habits, and language of vulgar life. Mr. Curran was for some time a member of the Irish parliament. But his success there did not correspond with his eminence at the bar. The reason assigned for this, is the great pressure of his professional business; in consequence of which his parliamentary efforts were made without preparation, and generally under a state of exhaustion both of body and mind. We have no doubt this was the case: but still we cannot help thinking from his habits, and character of mind, that if it had not been so, he would still have been distinguished, rather as an active, formidable auxiliary in the debate, than as a powerful leader, or an able statesman.

These are the most important of *our* 'Recollections' of Curran, after reading the book before us, excepting several good stories and anecdotes, some of which we should have given as specimens of the wit for which he was remarkable, but that we have already exceeded our limits.

We should have been glad to have learned something of Curran's manner of speaking, his voice, enunciation, and gestures. All the information we obtain upon these points, is contained in the following very definite and satisfactory sentence: 'but alas! the look all eloquent, the eye of fire, the tongue of harmony, the exquisite address that gave a charm to every thing, and spell bound those who heard him, are gone forever.' Mr. Phillips tells us in his preface, that this book was written in twenty two days. We see no reason to doubt his veracity: but then he ought to have spent more time in writing the biography of a man whom he professes to think one of the proudest ornaments of Ireland.

ART. VI.—*Report of the case of the Trustees of Dartmouth College against William H. Woodward, argued and determined in the Superior Court of Judicature of the State of New Hampshire, November* 1817: *and on Error, in the Supreme Court of the United States,* 1819. *By Timothy Farrar, Counsellor at Law. Portsmouth, N. H. Published by John W. Foster and West, Richardson and Lord, Boston.* J. J. Williams, printer, Exeter.

Reports of cases argued and adjudged in the Supreme Court of the United States, February Term, 1819. *By Henry Wheaton, Counsellor at Law, vol. IV.* New York, published by R. Donaldson, No. 45 John street, 1819.

PERHAPS no judicial preceedings in this country, ever involved more important consequences, or excited a deeper interest in the public mind, than the case of Dartmouth College, recently determined in the Supreme Court of the United States. While the cause was pending, there was much anxiety felt for its final result by the friends of our literary institutions; for it was early perceived, that they stood on no surer foundation than Dartmouth College. Upon the principles, which should be decided to rule this case, they must all stand or fall. The questions involved in it, were in a great measure new, no controversy of the kind having arisen since the year 1763, when the assembly of Connecticut made a similar attempt upon the charter of Yale College, and of this there was no remembrance or record. The cause of the college was indeed committed to able hands, and the report of the case bears ample testimony to the learning and ability which sustained it. The trustees of the college too, are entitled to all praise for their resolution and perseverance, under many discouragements. They have encountered the difficulties and expenses of a protracted law suit, in maintaining their chartered rights; and they have their reward in the approbation of wise and good men. They may now look back upon the past with the consciousness of having discharged faithfully and successfully an important duty to their college, and to the interests of learning. We have thought, that we could not render a more acceptable service to the cause of learning in this country, than by exhibiting an outline of this important case, shewing concisely, but we hope intelligibly, the course

of argument pursued, and the final judgment of the court, upon the points made in the cause.

The action was Trover, brought by the trustees of Dartmouth College against William H. Woodward, for the books of record, charter, common seal, and books of account, alleged to be the property of the plaintiff's, &c. and at the May Term, 1817, was entered at the Superior Court of New Hampshire. The facts in the case were then agreed upon by the parties, and drawn up in the form of a special verdict, setting forth the original charter granted to Dr. Eleazer Wheelock, A. D. 1769, the several acts passed by the legislature of N. Hampshire, on the 27th June A. D. 1816, the 18th December A. D. 1816, and the 26th December A. D. 1816: the refusal of the trustees, to accept the provisions of these acts, the demand made by them, upon the defendant for the property mentioned, the removal of said Woodward, from the offices of Secretary and Treasurer, by the trustees on the 27th August 1816, and his subsequent appointment to the same offices, by the trustees of the Dartmouth University, organized on the 4th of February A. D. 1817, pursuant to the said acts of the Legislature. Under colour of these acts, the defendant claimed to hold the property in dispute; and the general question was, whether these acts were obligatory and binding on the plaintiffs without their assent or acceptance.

The case was argued before the Superior Court of New Hampshire, by Mr. Mason, Mr. Smith, and Mr. Webster, for the plaintiffs, and by Mr. Sullivan and Mr. Bartlett for the defendant. In this court, judgment was rendered for the defendant, and the cause was duly removed by a writ of error to the Supreme Court of the United States; where it was argued by Mr. Webster and Mr. Hopkinson for the plaintiffs, and by Mr. Holmes and Mr. Wirt, the attorney general, for the defendant.

Before the Superior Court of New Hampshire, Mr. Mason maintained that the several acts of the legislature were not obligatory on the plaintiffs; first, because they were not within the scope of legislative power; second, because they violated certain provisions of the constitution of New Hampshire; and third, because they violated the constitution of the United States. The two last of these propositions were also maintained by Mr. Smith and Mr. Webster.

Upon the argument of the case before the Supreme Court

of the United States, Mr. Webster contended for the plaintiffs, that the acts in question were not valid and binding on them without their assent; first, because they were against common right and the constitution of New Hampshire; second, because they were repugnant to the constitution of the United States. But the jurisdiction of the Supreme Court, confining the case within narrower limits, the questions argued, and finally determined there may be thus stated: first, is the original charter of Dartmouth College, a contract within the prohibitory clause of the constitution of the United States, which declares that no state shall pass any law 'impairing the obligations of contracts;' secondly, if it is, do the legislative acts of New Hampshire of 27th June, &c. impair its obligations.

OF CORPORATIONS.

1st. Publick corporations, are created by the sovereign power of the state, for the purposes of civil government, such as counties, towns, parishes, &c. and as such, are subject to such alterations and arrangement as public convenience requires. A number of persons living within certain local limits are erected into a body politic, for the exercise of their civil and political rights, and the performance of their civil duties; among these are the rights of suffrage, the duty of supporting public instruction in religion and morality, of supporting schools, and of executing the laws for the maintainance of the public police. These corporations are the component parts of the state, erected exclusively for public purposes, and are all governed by the same general laws.

Banks, bridges, turnpikes, canals, &c. are private civil corporations. These can claim and exercise their corporate franchises, against the state, so long as they perform the conditions on which they were granted; and it belongs to the courts of justice to determine when they have been performed or broken.

Eleemosynary corporations are such as are constituted for the perpetual distribution of the free alms and bounty of the founder, in such manner as he has directed; and in this class are ranked hospitals for the relief of poor and impotent persons, and colleges for the promotion of learning and piety, and the support of persons engaged in literary pursuits.

'In eleemosynary foundations,' says Blackstone, 'such as

colleges and hospitals, where there is an endowment of lands, the law distinguishes and makes two species of foundation, the one *fundatio incipiens*, or the incorporation, in which sense the king is the general founder of all colleges and hospitals; the other, *fundatio perficiens*, or the dotation of it, in which sense, the first gift of the revenues is the foundation, and he who gives them, is in law the founder; and it is in this last sense, that we generally call a man the founder of a college or hospital. To such foundations, there is attached, as a necessary incident, the right of visitation, which implies a power to correct all abuses, and to compel a faithful execution of the original purposes of the charity.' 'The persons who have this right are,' says Lord Holt, 'the founder and his heirs, unless he has appointed and assigned another person to be visitor. For the founder may, if he please, at the time of the endowment, part with his visitatorial power, and the person to whom it is assigned will in that case, possess it, in exclusion of the founder's heirs. This visitatorial power is therefore an hereditament, founded in property, and valuable in intendment of law; and stands upon the maxim, that he who gives his property, has a right to regulate it in future.'

In the construction of charters, it is a general rule that if the objects of the charity are incorporated, as for instance the master and fellows of a college, or the master and poor of an hospital, the visitatorial power in the absence of any special appointment, silently vests in the founder and his heirs. But where trustees or governors, are incorporated to manage the charity the visitatorial power is deemed to belong to them, in their corporate character.

These corporations, like all others, are subject to the general laws of the land, and although they may forfeit their franchises, by mis user or non user, still they may exercise all the rights conferred by their charters, independent of the crown or state. In order to ascertain to which of these classes the corporation of Dartmouth College belongs, reference must be had to the original charter granted to the Rev. Eleazer Wheelock, A. D. 1769. From this it appears, that about the year 1754, Doctor Wheelock had established a charity school, at his own expense, and on his own estate; that through the assistance of well disposed persons granted at his solicitation, he had clothed, maintained, and educated

for several years a number of native Indians, and afterwards employed them as missionaries and schoolmasters among the savage tribes. At that time, being the sole dispenser and sole administrator, as well as the legal owner of these funds, he made his will, devising this property in trust, to continue the existence and uses of the school and appointed trustees. In this state of things, he had been invited to fix his school permanently in New Hampshire, and to extend the design of it to the education of the youth of that province; but before he removed his school, or accepted this invitation, which his friends in England had advised him to accept, he applied for a charter, to be granted, not to whomsoever the king or government of the province should please, but to such persons as he named and appointed, viz. the persons whom he had already appointed to be the future trustees of his charity by his will.

The charter proceeds to create such a corporation, and to appoint twelve persons to constitute it, by the name of the Trustees of Dartmouth College, to have perpetual existence as such corporation, and with power to hold and dispose of lands and goods for the use of the college, with all the ordinary powers of corporations. They are, in their discretion, to apply the funds and property of the college, to the support of the president, tutors, ministers, and other officers of the college, and such missionaries and schoolmasters as they may see fit to employ among the Indians. There are to be twelve trustees forever, and *no more;* and they are to have the right of filling vacancies occuring in their own body. The Rev. Mr. Wheelock is declared to be the founder of the college, and is by the charter, appointed first president, with power to appoint a successor by his last will. All proper powers of government, superintendance, and visitation are vested in the trustees. They are to appoint and remove all officers at their discretion; to fix their salaries and assign their duties; and to make all ordinances, orders, and laws for the government of the students.

As monies had been collected in England by an agent of Dr. Wheelock, to aid his charitable views, and had been left in the hands of the Earl of Dartmouth, Baron Smith, Mr. Thornton and other gentlemen there, who were themselves contributors, the president was required to transmit to them annually, for their satisfaction, an account of the progress of the institution, and of the disbursement of the funds.

Thus far, the case proceeds upon admitted facts and principles, and whether upon these, the corporation of Dartmouth College, was public, or private and eleemosynary was the great question debated.

It was contended by the council for the defendant, and so determined by the Superior Court of New Hampshire, that this corporation, being created for the purpose of holding and managing property for the use of the college, and the college being founded, for the purpose of spreading christian knowledge among the savages, and of affording the best means of education in liberal arts and sciences, to their children, as well as to the English youth and any others, which were all matters of public concern, must be considered as a public corporation. It was said that the office of a trustee, was in fact a public trust, as much so as the office of governor or of judge, that the *objects* of a corporation made it either public or private, and that a gift to one created for public purposes, was in reality a gift to the public. Such being the nature of this corporation, it followed of course, that the legislature of the state, having the charge of all public interests, had a right to new model or change it in any way fitted to extend its advantages.

This course of argument was met and replied to, fully and conclusively by each of the counsel for the plaintiff, and by all the judges who delivered opinions. It was admitted, that education was an object of national concern, and a proper subject of legislation; that there might be an institution founded by government, and placed entirely under its immediate control, the officers of which would be public officers, and exclusively amenable to it; but was Dartmouth College such an institution? 'From whence can be derived the idea,' inquires chief justice Marshall, 'that this college has become a public institution, and its trustees public officers, exercising powers conferred, by the public for public objects. Not from the source whence its funds were drawn, for its foundation is purely private, and eleemosynary. Not from the application of those funds, for money may be given for education, and the persons receiving it do not, by being employed in the education of youth, become members of the civil government.'

'Doctor Wheelock as the keeper of this charity school, instructing the Indians in the art of reading, and in our holy religion; sustaining them at his own expense and on the vol-

untary contributions of the charitable, could scarcely be considered as a public officer, exercising any portion of those duties, which belong to government; nor could the legislature have supposed, that his private funds, or those given by others were subject to legislative management, because they were applied to the purposes of education. Did the subsequent act of the incorporation, then confer any new powers on the government, which it could not rightfully exercise before?

'A corporation,' continues the chief justice, 'is an artificial being, invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of creation confers upon it, either expressly or as incidental to its very existence. Among the most important of these are immortality, and if the expression may be allowed individuality, properties, by which a perpetual succession of many persons may be, and are considered as the same, and may act as a single individual. They enable a corporation to manage its own affairs, and to hold property, without the perplexing intricacies, the hazardous and endless necessity of perpetual conveyances, for the purpose of transmitting it from hand to hand. It is chiefly for the purpose of clothing bodies of men in succession, with these qualities and capacities, that corporations were invented and are in use. By these means, a perpetual succession of individuals, are capable of acting for the promotion of the particular object, like one immortal being. But this being does not share in the civil government of the country, unless that be the purpose for which it was created. Its immortality no more confers on it political power, or a political character, than immortality would confer such power or character, on a natural person. It is no more a state instrument, than a natural person, exercising the same powers would be. If then a natural person, employed by individuals, in the education of youth, or for the government of a seminary in which youth is educated, would not become a public officer, or be considered as a member of the civil government, how is it, that this artificial being, created by law, for the purpose of being employed by the same individuals for the same purposes, should become a part of the civil government of the country.'

'The fact then,' says Mr. Justice Story, 'that the charity

is public affords no proof that the corporation is also public; and consequently the argument, so far as it is built on this foundation, falls to the ground. If indeed the argument were correct, it would follow that almost every hospital and college would be a public corporation, a doctrine utterly irreconcileable with the whole current of decisions since the time of Lord Coke.

'When the corporation,' continues the judge, 'is said at the bar to be public, it is not merely meant, that the whole community may be the proper objects of the bounty, but that the government have the sole right as trustees of the public interests, to regulate, control, and direct the corporation, and its funds, and its franchises at its own good will and pleasure. Now such an authority does not exist in the government, except where the corporation is in the strictest sense public; that is, where its whole interests and franchises are the exclusive property and domain of the government itself. If it had been otherwise, courts of law would have been spared many laborious adjudications, in respect to eleemosynary corporations, and the visitatorial powers over them, from the time of Lord Holt down to the present day. Nay more, private trustees for charitable purposes would have been liable to have the property confided to their care, taken away from them, without any assent or default on their part, and the administration submitted not to the control of law and equity, but to the arbitrary discretion of the government. Yet, who ever thought before, that the munificient gifts of private donors for general charity, became instantaneously the property of the government; and that the trustees appointed by the donors, whether corporate or unincorporated, might be compelled to yield up their rights to whomsoever the government might appoint to administer them. If we were to establish such a principle, it would extinguish future eleemosynary endowments; and we should find as little of public policy, as we now find of law to sustain it.'

In every application for a charter of incorporation, the government considers the objects proposed to be effected, their beneficial tendency, and general usefulness, and these constitute the consideration for the grant. All wise governments are desirous of encouraging institutions for the promotion of learning, and are willing to confer on benevolent individuals, those franchises and powers, which enable them to be always

of the same charitable mind, managing and directing their own bounty, as if they were immortal. While exercising the powers given, and acting within their acknowledged limits, they and their representatives, in relation to their franchises and property, are as much within the declared protection of the law, as the rights and interests of any individual are. It is as much a maxim of common sense, as of law, that *cujus est dare, ejus est disponere;* and the will of the donor not of the legislature is to be the rule; until it appears, by judicial process according to the laws of the land, that the franchises have been forfeited. But the Superior Court of New Hampshire, after admitting, that the right of the trustees to manage the affairs of the college is a privilege, thus argue, 'how a privilege can be protected from the operation of the law of the land, by a clause in the constitution, declaring that it shall not be taken away but by the law of the land, is not very easily understood.' We were sorry to see this published in a book, as the reasoning of the highest judicial tribunal of a state; and we shall dismiss it, with a quotation from the concluding remark of Mr. Webster's argument upon the point.

'Such a strange construction would render constitutional provisions of the highest importance completely inoperative and void. It would tend directly to establish the union of all powers in the legislature. There would be no general permanent law for courts to administer, or for men to live under. The administration of justice, would be an empty form, an idle ceremony. Judges would sit to execute legislative judgments and decrees, not to declare the law, or administer the justice of the country. "Is that the law of the land, said Mr. Burke, upon which if a man go to Westminster Hall, and ask counsel, by what title or tenure he holds his privilege or estate, *according to the law of the land*, he should be told, that the law of the land is not yet known; that no decision or decree has been made in his case; and that when a decree shall be passed, he will then know *what the law of the land is.*" Will this be said to be the law of the land, by any lawyer who has a rag of a gown left upon his back, or a wig with one tie upon his head.'

From the preceding examination, it appears that Dartmouth College was, under its original charter, a private eleemosynary corporation, with the usual privileges and franchises of such corporations; and among others, with a legal perpetuity, and was exclusively under the government and control of

twelve trustees, who were to be elected and appointed from time to time, by the existing board, as vacancies, or removals should occur.

Is the charter of Dartmouth College, then, a contract, within the clause of the constitution, prohibiting the States from passing any laws impairing the obligation of contracts? In the case of Fletcher *vs.* Peck, the Supreme Court laid down its exposition of the word 'contract,' in the following manner, 'A contract is a compact between two or more persons, and is either executory or executed. An executory contract is one, in which a party binds himself to do or not to do a particular thing. A contract executed is one in which the object of the contract is performed; and this, says Blackstone, differs in nothing from a grant. A contract executed, as well as one that is executory, contains obligations binding on the parties. A grant in its own nature amounts to an extinguishment of the right of the grantor, and implies a contract not to reassert the right. A party is always estopped by his own grant. 'This language,' says Mr. Justice Story, 'is perfectly unambiguous, and was used in reference to a grant of land by a governor of a state, under a legislative act. It determines in the most unequivocal manner, that the grant of a state is a contract within the clause of the constitution now in question; and that it implies a contract not to reassume the rights granted. *A fortiori* the doctrine applies to a charter or grant from the king.

Upon this question, it was contended for the defendant, and so decided in the Superior Court of New Hampshire, that the word 'contract' must be taken in a limited sense; that the clause was not intended to limit the power of the states, in relation to their own public officers and servants, or to their own civil institutions, and must not be construed to embrace contracts, which are in their nature, mere matters of civil institution; nor grants of power and authority, by a state to individuals, to be exercised for purposes merely public. Thus marriage is a contract; but being a matter of civil institution, is not within the meaning of this clause. A law, therefore, authorizing divorces, although it impairs the validity of marriage contracts, is not a violation of the constitution of the United States. The trustees have no private interest in the property of this institution, nothing that can be sold or transferred, that can descend to their heirs, or be assets in the hands of these administrators, the beneficial interest being

in the state; and those contracts alone, the parties to which, have a vested, beneficial interest are protected by this clause of the constitution.

To this, it was replied, that the framers of the constitution did not intend to restrain the states, in the regulations of their civil institutions, adopted for internal government; that this provision of the constitution never had been understood to embrace other contracts, than those which respect property, or some object of value, and confer rights, which may be asserted in a court of justice. It never has, says Chief Justice Marshall, been understood to restrict the general right of the legislature, to legislate on the subject of divorces. Those acts enable some tribunal, not to impair a marriage contract, but to liberate one of the parties, because it has been broken by the other. When any state legislature shall pass an act, annulling all marriage contracts, or allowing either party to annul it, without the consent of the other, it will be time enough to inquire whether such an act be constitutional.

Dr. Wheelock, continues the Chief Justice, acting for himself, and for those, who, at his solicitation, had made contributions to his school, applied for this charter, as the instrument which should enable him and them to perpetuate their beneficent intention. It was granted. An artificial, immortal being was created by the crown, capable of receiving and distributing forever, according to the will of the donors, the donations which should be made to it. On this being, the contributions which had been collected were immediately bestowed. These gifts were made, not indeed to make a profit for the donors or their posterity, but for something, in their opinion, of inestimable value; for something, which they deemed a full equivalent for the money with which it was purchased. The consideration for which they stipulated, is the perpetual application of the fund to its object, in the mode prescribed by themselves. Their descendants may take no interest in the preservation of this consideration. But in this respect their descendants are not their representatives. They are represented by the corporation. The corporation is the assignee of their rights, stands in their place, and distributes their bounty, as they would themselves have distributed it, had they been immortal. So with respect to the students who are to derive learning from this source. The corporation is a trustee for them also. Their potential rights, which, taken

distributively, are imperceptible, amount collectively to a most important interest. Those are in the aggregate to be exercised, asserted, and protected by the corporation.

Mr. Mason, in his argument, maintains, that the trustees have legal rights, both in their corporate and individual capacities. To this corporate capacity, they claim the franchise of being, and continuing to be, a corporation, and a right to possess and enjoy all the privileges granted and assured to them, by their charter; and, among others, the right to the property acquired under it. In their individual capacities, they claim the right to be members of the corporation, and to enjoy all the privileges accruing to them, from being members,

This being a private corporation, the trustees have legal rights and interests, which cannot be taken away or infringed, at the discretion of the legislature. The rights of private corporations are entitled to the same protection, as the rights of individuals. A corporation is created for the purpose of securing and perpetuating rights.

It cannot, says Mr. Webster, be necessary to say much in refutation of the idea, that there cannot be a legal interest or ownership in any thing, which does not yield a pecuniary profit; as if the law regarded no rights, but the rights of money and of visible tangible property. Of what nature are all rights of suffrage? No elector has a particular personal interest; but each has a legal right, to be exercised at his own discretion, and it cannot be taken away from him.

The several arguments, urged for the defendant, were met and answered in detail by Mr. Justice Story, in the elaborate opinion delivered by him. In respect to *corporate franchises*, says the Judge, they are, properly speaking, legal estates vested in the corporation itself, as soon as it is in esse. They are not mere naked powers, granted to the corporation, but powers coupled with an interest. The property of the corporation rests upon the possession of its franchises; and whatever may be thought as to the corporators, it cannot be denied, that the corporation itself has a legal interest in them.

'The franchises granted by the charter were vested in the trustees, in their corporate character. The lands and other property subsequently acquired were held by them in the same manner. They were the private demesnes of the corporation, held by it, not as the argument supposes, for the use and

benefit of the people of New Hampshire, but as the charter itself declares "for the use of Dartmouth College."'

There are other rights and privileges belonging to the trustees, collectively and severally, which are deserving of notice. They are entrusted with the exclusive power to manage the funds, to choose the officers, and to regulate the corporate concerns, according to their own discretion. The *jus patronatús* is vested in them. The visitatorial power, in its most enlarged extent, also belongs to them. When this power devolves upon the founder of a charity, it is an hereditament, descendible in perpetuity to his heirs, and in default of heirs, it escheats to the government. It is a valuable right founded in property, as much so as the right of patronage in any other case.

Speaking of the rights, interests, and franchises, of the trustees, under their charter, the Chief Justice remarks, 'this is plainly a contract, to which the donors, the trustees, and the crown, to whose rights and obligations, New Hampshire succeeds, were the original parties. It is a contract made on a valuable consideration. It is a contract made for the security and disposition of property. It is a contract, on the faith of which, real and personal estate has been conveyed to the corporation.'

It was therefore determined that this was a contract, the obligation of which could not be impaired without violating the constitution of the United States.

2. The only remaining question is, do the acts of the New Hampshire legislature impair its obligation? To dispose of this point, we have only to quote the concluding remarks of Chief Justice Marshall, in the opinion delivered by him, setting forth, with great clearness, the facts and reasonings which support it.

'From the review of this charter, which has been taken, it appears, that the whole power of governing the college, of appointing and removing tutors, of fixing their salaries, of directing the course of study to be pursued by the students, and of filling up vacancies created in their own body, was vested in the trustees. On the part of the crown it was expressly stipulated, that this corporation, thus constituted, should continue for ever; and that the number of trustees should for ever consist of twelve and no more. By this contract the crown was bound, and could have made no violent alteration in its essential terms, without impairing its obligation.'

'By the revolution, the duties as well as the powers of government devolved on the people of New Hampshire. It is admitted that among the latter, was comprehended the transcendant power of parliament, as well as that of the executive department. It is too clear, to require the support of argument, that all contracts and rights respecting property, remained unchanged by the revolution. The obligations then, which were created by the charter to Dartmouth College, were the same in the new, that they had been in the old government. The power of the government was also the same. A repeal of this charter, at any time prior to the adoption of the present constitution of the United States, would have been an extraordinary and unprecedented act of power, but one, which could have been contested only by the restrictions upon the legislature, to be found in the constitution of the state. But the constitution of the United States has imposed this additional limitation, that the legislature of a state shall pass no act "impairing the obligation of contracts."

'It appears that the act, "to amend the charter and enlarge and improve the corporation of Dartmouth College," increases the number of trustees to twenty one, gives the appointment of the additional number to the executive of the state, and creates a board of overseers to consist of twenty five persons, of whom, twenty one are also appointed by the executive of New Hampshire, who have power to inspect and control the most important acts of the trustees.

'On the effect of this law, two opinions cannot be entertained. Between acting directly, and through the agency of trustees and overseers, no essential difference is perceived. The whole power of governing is transferred from trustees, appointed according to the will of the founder, expressed in the charter, to the executive of New Hampshire. The management and application of the funds of this eleemosynary institution, which are placed by the donors in the hands of trustees, named in the charter, and empowered to perpetuate themselves, are placed by this act, under the control of the government of the state. The will of the state is substituted for the will of the donors, in every essential operation of the college. This is not an immaterial change. The founders of the college contracted not merely, for the perpetual application of the funds which they gave to the objects, for which those funds were given; they contracted also to secure the

application of them by the constitution of the corporation. They contracted for a system which should, as far as human foresight can provide, retain forever the government of the literary institution they had formed, in the hands of persons approved by themselves. This system is totally changed. The charter of 1769 no longer exists. It is reorganized, and reorganized in such a manner, as to convert a literary institution, moulded according to the will of its founders, and placed under the control of private literary men into a machine entirely subservient to the government. This may be for the advantage of this college in particular, and may be for the advantage of literature in general; but it is not according to the will of the donors, and is subversive of that contract, on the faith of which their property was given.

'In the view which has been taken of this interesting case, the court has confined itself to the rights possessed by the trustees, as the assignees and representatives of the donors, and founders, for the benefit of religion and literature. Yet, it is not clear, that the trustees ought to be considered as destitute of such beneficial interest in themselves, as the law may respect.' After some further remarks, showing such interest, the chief justice concludes, 'but the court has deemed it unnecessary to investigate this particular point, being of opinion on general principles, that in these private eleemosynary institutions, the body corporate, as possessing the whole legal and equitable interest, and completely representing the donors, for the purpose of executing the trust, has rights, which are protected by the constitution.'

We have thus attempted to give a summary view of the course of argument, in this important case. We wished to give an intelligible view of the great questions, upon which the cause turned; and keeping ourselves within those limits, we have been compelled to omit all notice of many subsidiary arguments. We have also omitted to notice the numerous authorities quoted and commented upon, selecting or condensing indiscriminately such statements and arguments as appeared best adapted to our purpose, and were sanctioned by the court.

We are very sensible, that no adequate conception can be formed of the powerful manner, in which this cause was argued by the counsel for the plaintiffs. The gentlemen engaged in it, had long been trained in the habits of forensic dis-

cussion; and deeply feeling their responsibility to their clients and to the public, they brought to their task all that ever makes men eloquent or convincing. Reasoning and authority seemed to be exhausted, and the cause of Dartmouth College, and of all literary corporations, appeared to be fixed immoveably on both.

In the opinions of the judges, formed with great caution, and after mature deliberation, embracing the wide extent of the arguments on both sides, every question was argued and determined with admirable fullness and precision.

Probably the only authority, bearing upon this case, which escaped the researches of the counsel and court, is contained in a book, entitled, Notes of Opinions and Judgments, delivered in different Courts by the Right Honourable Sir John Earldly Wilmot, Knt. The cause was heard before the Lord Chancellor Camden, assisted by Sir Thomas Sewall, Master of the Rolls, and Lord Chief Justice Wilmot.

The case came before the court, upon an information brought by the attorney general against Lady Downing, to have an execution of the trusts of the will of Sir George Douning, and the facts were these:

Sir George Downing seized of an equitable estate in fee, and having relations, by his will 20th December, 1717, devised all his manors, messuages, lands, &c. to five trustees and their heirs, to the use of his nephews and other relations, and their issue male in strict settlement; and for default of such issue, he directed that his trustees should buy a piece of ground in Cambridge, and build a college upon it, to be called Downing College; and that a charter royal should be sued for and obtained for the founding of such college, &c. and immediately after such foundation, he directed that his trustees should stand seized in trust for such collegiate body and their successors forever.

All the trustees died in the life time of Sir George, and the devise to them became a lapsed devise.

The devisees named in the will, all died without issue male, and the information was brought at the relation of the chancellor, masters, and scholars of the University of Cambridge, against the devisee and heir at law of Sir Jacob Downing, who was heir at law of Sir George Downing, &c.

The defendant, Lady Downing, the devisee of Sir Jacob Downing, who was the heir of Sir George Downing, insisted

by her answer, that she was entitled to the inheritance of the estates, devised by the will of Sir George Downing, and that the trusts for founding and endowing a college were void.

Three questions were made :

1st. Whether the trusts are illegal and void.

2d. If not illegal and void, whether they are of such a nature, as that a Court of Equity, under the particular circumstances of this case, ought to aid and assist them, or leave them where they lie, or at least not interpose till a college is incorporated, and a license to take in mortmain is obtained.

3d. Supposing the trusts illegal and void, or of such a nature as not fit to be carried in execution by a Court of Equity, whether this court will apply the estate to some other charity *ejusdem generis*, and as near the testator's intention as the rules of law and equity will permit.

After a full discussion of all these points, the three judges declared their unanimous opinion, that the trusts of the charity in question, ought to be carried into execution, after obtaining a charter, &c.

We make the following extracts from the opinion of Chief Justice Wilmot, as containing the liberal sentiments of a wise man.

'A gift for the advancement of useful learning is the most meritorious charity that can be given. Most charities terminate with the individuals, who are the objects of them. But donations of this kind are benefactions to the whole community. They furnish the means of bringing great parts, and natural abilities out into public service, and thereby become a charity not only to the persons, who are so helped forward in their education, but to the whole society, which reaps the benefits of those parts and abilities in the several stations in life, where providence places and employs them; and as Coke in arguing Porter's case, says, "no time was ever so barbarous as to take away erudition and science."'

All people have at all times, thought it most meritorious to promote and encourage them. Even Omar, who directed the Alexandrian Library to be burnt, did not wage war against useful learning, but thought, if the learning contained in those books did not agree with the alcoran, it was noxious; and if it did, it was useless.

It has been observed, that it is an ostentatious attempt to perpetuate the testator's name.

Wishes of this kind often influence the wisest and best of men. There is nothing immoral in yielding to such a motive, if it was the sole and only motive of such a disposition. It is a passion implanted in the mind, as a laudable incentive to industry, and the reward promised Abraham for his faith, 'I will make thy name great among the nations.'

Certain of the devisees are to change their names, but that circumstance will not affect the validity of the devise, and why should that circumstance be more disgustful in one case than in the other. To raise and establish a family in the testator's name and blood, was his first object: natural affection was the principal of that provision. To perpetuate his name by the medium of a college for the good of mankind, was his next object; social affection was the principle of that provision.

Admit that vanity had some share in both dispositions; it loses all its malignant qualities when it is productive of good. And in Popham, 139, ascribing charitable gifts to vain glory and ostentation, is said to tend to a public wrong, because it deters and discourages them; and perhaps the world owes some of the noblest and greatest benefactions, to this motive acting in a thousand shapes and forms. It is a spring not to be checked and stopped up; because under the direction of good laws, it becomes an inexhaustible source of benefits to mankind.*

We have already alluded to an attempt upon the charter of Yale College, made in the year 1763, by the General Assembly of Connecticut. At that time, the Rev. Thomas Clap was president of the college, and in a rare and valuable pamphlet, called 'the Annals, or History of Yale College in New Haven, in the Colony of Connecticut, from the founding thereof in the year 1700, to the year 1766,' he gives a brief statement of the case. This pamphlet, we believe, had not been found, at the time the cause of Dartmouth College was argued, although we perceive it is noticed in the appendix to the report.

It appears that in May 1763, nine gentlemen preferred a memorial to the honourable the General Assembly in Connecticut, wherein they represented that the General Assem-

* Downing College at Cambridge has of late years been built. It is a college for the study of the law.

bly *were the founders of the college;* and as such, had a right to appoint visitors, *to reform abuses if any were found, &c. &c.*

Jared Ingersoll and Samuel W. Johnson appeared as counsel for the memorialists, and alleged that the General Assembly *founded* the college, by giving a charter in the year 1701, which contained a donation of about sixty pounds sterling, to be annually paid out of the public treasury, &c. and that the then present assembly, as successors to the founders, had a right of visitation by the common law.

President Clap, who appears to have been master of his cause, placed it upon its true principles. He maintained, that the General Assembly were not, by the grant of the charter, or by subsequent donations, the founders or visitors in the sense of the common law; but that the first trustees who, two years before, had associated themselves, and made and received donations were; that the right of visitation arose in law from the interest which the founder had in the college or hospital by his donation; that the first donation *only* creates the founder, and that all subsequent donations are presumed in law to be given, upon the same end and design with the first, unless some particular limitation be expressly made.

The same principles were maintained and many of the books cited, which were discussed and settled in the case of Dartmouth College; and we have noticed it, not so much as a pertinent authority, as for the purpose of paying our tribute of respect to the memory of a man, who alone, ably and successfully defended the rights of his college against a powerful party in the legislature of the state, aided by the most eminent lawyers of their time.

Doctor Trumbull, the venerable historian of Connecticut, thus concludes his remarks on this subject: 'the memorialists, and their whole party were greatly disappointed and chagrined, and the president got much honour by the defence which he made of the college. He appeared to be a man of extensive knowledge and real greatness. In points of law, especially as they respected colleges, he appeared to be superior to all the lawyers, so that his antagonists acknowledged that he knew more and was wiser than all of them. The question relative to the assembly's being the founders of the college, and having a right of visitation has never been publicly discussed since, and it is believed that it never will be again.'

The law in relation to charitable foundations was drawn into discussion in England, at the time of its full examination here, in the case of Dartmouth College. In the year 1816, a motion was made in the House of Commons, by Mr. Brougham, for the appointment of a committee, afterwards called the education committee, 'to inquire into the education of the lower orders of the metropolis, &c. and to consider what might be fit to be done, with respect to the children of paupers, who should be found begging in the streets in and near the metropolis.' This committee, of which Mr. Brougham was chairman, pursued their labours during the session of parliament, and at the conclusion of the session published a report, in which they recommended a parliamentary commission, as the most economical mode of bringing to light the numerous cases of abuse, which they presumed to exist. In 1818, the same committee were reappointed and immediately after, prepared a bill for the nomination of such parliamentary commission.*

The committee appointed in 1816 had extended their inquiries to the great national schools, such as Westminster, the Charter House, Winchester, Eaton, &c. summoned and examined the masters, the statutes of the founders, on the implied or assumed ground, that these were charities connected with the education of the poor. The bill sanctioned and embraced the exercise of these powers and enlarged them so far, as to give to these commissioners jurisdiction over all the charitable foundations of the kingdom, a right to call before them persons, with the deeds and muniments of the property held by them in trust, and upon refusal to commit them to prison, there to be detained without bail or mainprize.

This bill, containing these unlimited powers, passed the House of Commons, without much examination of its details. The report of the committee had been published, setting forth many perversions and abuses of these charities; and the bill seems to have passed, under a state of popular excitement, favourable to its proposed objects. But when the bill came into the House of Lords, Lord Eldon remarked, that there were 'numerous and splendid charities, founded by munificent donors; and *cujus est dare ejus est dispenerì;* and such charities ought only to be under the *domesticum forum* of the visi-

* See letter to Sir William Scott.

tors nominated by the founders, and courts of law ought to have nothing to do with them, unless they abused their trust; and he would resist to the utmost all legislative interference with their duties, and should be glad to know, where was the power of Parliament to interfere in such cases.'

This bill, however, entitled 'an act for appointing commissioners to inquire concerning charities in England for the education of the poor' passed the House of Lords, with the following restrictions. *Sec.* 12. That none of the provisions herein contained shall be construed, to extend to either of the Universities of Oxford or Cambridge; nor to any college or hall within the same, nor to any schools or other endowment of which the said universities, colleges, or halls, are trustees, nor to the colleges of Westminster, Eton, or Winchester, or to the Charter House, or to the schools of Harrow or Rugby, or any of them, nor to any cathedral or collegiate church within England, nor to *any college, free school, or other charitable institution for the purposes of education, which have special visitors, governors, or overseers appointed by their founders.*' This provision is almost literally a transcript of the second and third sections of the statute of charitable uses. 43 Eliz. ch. IV.

In June 1819, the bill, thus restricted, came before the House of Commons, and Mr. Brougham moved to amend it, by striking out the clause 'exempting colleges—free schools or other foundations having special visitors.'

Sir William Scott opposed the amendment, on the ground that the will of the founder, whether provident or not in the choice of visitors, as well as the plan of a charity, should not be interfered with. The House divided—for the amendment 75, against it 107, and so the amendment of Mr. Brougham was rejected by a majority of 82.

This subject has undergone much discussion in England during the last two years; and several pamphlets have been written, in relation to the evidence of the particular abuses, detailed in the report of the committee. With these we have nothing to do; our concern is with the law; and the examination of this, has been much more full and extensive in this country than in England. The Edinburgh and Quarterly Reviews have engaged in the controversy, in the customary form of attack and defence of the ministry; but little can be found in either, touching its legal merits. The most temperate and best reasoned pamphlet, that we have seen, is the

Letter to Sir William Scott. This writer, in answer to the complaint, that there is no remedy for these charitable abuses, after noticing the provisions of the 43 Eliz. and the proceedings under it, remarks: 'But the 52 of George III, c. 101, is a still easier remedy, and of so little cost and difficulty, that any charity, however inconsiderable, may have recourse to its powers. In this last statute, the alleged imperfection in the statute of Elizabeth, that of its not extending to charities specially visited, as far as relates to the abuse of the funds, is substantially supplied. Under the 52 George III the parties complaining of any abuse of the funds of the charity have little more to do than to petition. All the proceedings are exempted from stamp duties. The remoteness of the place where the charity is established adds nothing to the expense. The ordinary delays of the Court of Chancery do not occur in a proceeding under this act.'

Admitting, however, the perversions and abuses complained of, and also the insufficiency of the existing remedies, sensible men at a distance, would be likely to say, *provide others which are legal.*

The jurisdiction, which the Supreme Court of the United States has asserted in the case of Dartmouth College and its final judgment therein, by which the acts of a state legislature have been declared unconstitutional and void, and the judgment of its highest tribunal reversed, is pregnant with important results. In cases of this sort, where this court is called upon to discharge those high duties assigned it by the constitution, their proceedings are always regarded with deep interest; for it not only ascertains and determines its own powers, original and appellate, but it extends its inquiries to the acts and doings of states, and marks out and bounds their constitutional sovereignty. As the ultimate expounders of the constitution it confines the legislative powers of congress within their just limits, and in more than one instance has declared its acts void.

According to the theory of our constitution, government is a trust, emanating from the people, and to be exercised for their benefit. The constitution of the United States was adopted by them, and the partition of powers made by it, between the general and state governments, was declared to be for the purpose of forming a more perfect union, of establishing justice, of insuring domestic tranquillity, and of providing for the general defence.

It provides for the organization of three co-ordinate departments, and to each, assigns certain enumerated powers. It declares, that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as congress may, from time to time, establish; that this power shall extend to all cases, in law or equity, arising under the constitution, the laws of the United States, &c. And that the constitution and law of the United States, made pursuant to it, shall be the supreme law of the land.

In prescribing limits to the powers of the states, it declares, among other things, that no state shall enter into any treaty, &c. grant letters of marque or reprisal; coin money, emit bills of credit; make any thing but gold and silver a tender in payment of debts; pass any bills of attainder, or *ex post facto* law, or law impairing the obligation of contracts.

Much reliance was placed upon the security, which the due exercise of the judicial power would afford, to the rights of states, as well of individuals, when infringed or invaded by the encroaching spirit of legislative bodies, either in the states or in Congress. In short, the judicial power was regarded by the friends of a new and better order of things, as a being, separated from the prejudices, the passions, and the interests of men, watching and regulating the movements of a complex system, and wholly intent upon the impartial administration of justice.

In what may be called its foreign jurisdiction, great powers are committed to it, involving great national interests. It is here, that it takes cognizance of cases arising under treaties, such as affect ambassadors, public ministers, and consuls, and cases of admiralty and maritime jurisdiction; and in the discharge of these high functions, it becomes associated with the enlightened jurists of all countries, in expounding and applying the principles of public law.

In its domestic administration it was considered as affording the best protection against the injustice of rival parties, or the violence of popular passions; and where, we now ask, could such a power be lodged, with more safety to the citizens or to the states, and with a better assurance of its honest exercise?

The Judges of the Supreme Court, it is presumed, are always to be selected from among the most eminent men in the profession of the law; and it is to be presumed, also, that

every such man will always feel the just pride of the professional character. He will know, that his judgments must not only be made public, but the reasons and authorities upon which they are founded; and that no gross departure from the law can ever be made, in any case, without exposure, and the immediate expression of public feeling and opinion. Laws, it is true, may be enacted, which are inexpedient, or mischievous, or injurious to private rights, or against common right; because legislative bodies generally act upon the whole body of the people, often under the influence of popular excitement, and always without that feeling of individual responsibility, which dwells in the breast of the judge, who acts upon a few, in the presence of all. Every man, too, in the community, has an interest in the decision of every other man's cause. The rule in one case is to be the rule in all, and sympathy and interest unite all. The violation of a rule of law, in a single case, communicates a shock, like the electric spark, through the whole chain of common rights and interests. A judge, therefore, who should be without a due sense of character, would still stand in some awe of that tribunal, whose sense of right cannot be outraged without the most appalling punishment. No parts, however splendid, no learning, however profound, ever did, or can save, a corrupt or unjust judge, from the never dying disgrace of having perverted the law, to the ruin of an innocent man. The indignant sense of mankind marks him with merited scorn, while he lives, and loads his memory with infamy when he is dead. The history of Jeffries and even of Bacon, the 'greatest, wisest, meanest of mankind,' is enough to keep most judges decently within the rules of law.

Another security arises from the circumstance, that the Judges of the Supreme Court are selected from places and states remote from each other. Local interests or passions, which diffuse an influence within their own limits, of which all, more or less partake, are lost or neutralized in the communion with men who have never been within the infected region. It is not perhaps in human nature, that a local tribunal, however honest in its purpose, should be entirely unmoved by the strong passions which surround it; or that its judgment should be wholly uninfluenced in deciding the very cases which had excited them. But when these cases come before the Supreme Court of the United States, it may be

presumed, that there will always be a majority free from any such bias.

Notwithstanding all these precautions, we are aware it may be said, that as party or faction is the offspring of our institutions, and always the heir apparent to the throne, men *may be* selected for this high office, *because* they are known to be devoted to a great political party, and are ready to become the willing instruments of its ambition or its vengeance; and that no species of oppression is so hopeless or so terrible, as that which may be practised under the forms of justice. This is a truth of fearful import, and the only answer, we can make is, that wisdom and foresight, aided by experience, having exhausted their means, in providing for our safety, if these possible evils do come, they must be left like all extreme cases to provide for themselves.

In reviewing that class of judgments of the Supreme Court, by which constitutional law has been settled, we find a considerable number, founded like the one before us, upon that prohibitory clause of the constitution, which declares that no state shall pass any law impairing the obligation of contracts.

In the year 1795, the state of Georgia granted, in the form of a bill passed by the legislature, a large tract of land to James Gunn and others; and the next year the legislature passed another act, by which they declared that the act of 1795, and all grants, rights, claims, &c. derived therefrom were null and void. In the year 1810, the case of 'Fletcher *vs.* Peck,' came before the Supreme Court, in which the validity of this last act of the Georgia legislature was drawn in question. And the court decided that the law of 1795 was a contract, that absolute rights had vested under it, and that the law of 1796 was unconstitutional, because it 'impaired its obligation.'

In the year 1812 was decided the case of 'New Jersey *vs.* Wilson.' In this case it appeared that the state of New Jersey had, before the revolution, made a grant of certain lands, with the special immunity or privilege that they should for ever remain free from taxation. In the year 1804 the legislature of New Jersey passed an act, repealing the former act, which had exempted the lands in question; and the court determined that such repealing act was unconstitutional because it 'impaired the obligation of contracts.'

In the case of 'Terret *vs.* Taylor' the court in an elaborate opinion held, that a legislative grant was not revocable, and that property held by certain persons for the use of the church, could not be divested by an act of the legislature of the state where the lands were situate; and in 'Pawlet *vs.* Clark' it was also held, that where lands were granted by the state, to the town in which they were situate, for the use and support of religious worship, the legislature could not, by a subsequent act, appropriate the same lands, for the use of the schools of such towns.

In the case of 'Sturges *vs.* Crowninshield,' recently decided, it was determined that an act of the legislature of New York, passed in 1811, so far as it went to discharge a contract, was within the prohibitory clause; and that a state had authority to pass a bankrupt law, provided it did not impair the obligation of contracts, and there was no law of Congress in force establishing a uniform system of bankruptcy.

The reasons of this prohibitory clause in the constitution, and the immense importance of it cannot be better set forth than in the remarks of Chief Justice Marshall, as reported in the case of 'Fletcher *vs.* Peck.' 'Whatever respect might have been felt for the state sovereignties it is not to be disguised that the framers of the constitution viewed, with some apprehension the violent acts which might grow out of the feelings of the moment; and that the people of the United States, in adopting that instrument, have manifested a determination to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the legislative power of the states are obviously founded in this sentiment; and the contitution of the United States contains what may be deemed *a bill of rights for the people of each state.*'

There is another class of judgments of the Supreme Court, calling in question the exercise of the legislative power by Congress, and several cases are reported wherein they have decided that Congress have, in the business of legislation, passed the constitutional limits, and that their acts were void.

In the year 1792, an act passed directing the Secretary at War to place on the pension list such disabled officers and soldiers, as should be reported to him *by the Circuit Courts.* This act, so far as it imposed this duty on the Cir-

cuit Courts, was determined to be repugnant to the constitution, and was afterwards repealed.

In the case of 'Marbury *vs.* Madison,' decided in the Supreme Court in the year 1803, a rule was moved to shew cause why a *mandamus*, should not issue, commanding James Madison then Secretary of State, to cause to be delivered to the plaintiffs respectively, their several commissions as justices of the peace in the district of Columbia.

The court determined that they had no power to issue a *mandamus* in the case, it being an exercise of original jurisdiction not warranted by the constitution; and that Congress had no power to give original jurisdiction to the Supreme Court in other cases than those described in the constitution. It is there declared that the Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. The act, therefore, of Congress, to establish the judicial courts of the United States, and authorising the Supreme Court to issue writs of *mandamus*, in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States, was declared to be unconstitutional and void.

It is quite obvious, that in the allotment of powers to the different departments of the government, little else could be done, than to mark out their great divisions. All that the framers of the constitution attempted to do, was to construct a map, which should exhibit the great boundary lines, leaving the smaller divisions and subdivisions to be drawn, as the cases should arise, which might demand such explanations. It followed of course, that as the powers granted were general, they carried with them an immense mass of implied and incidental powers, with such limitations only, as a fair and reasonable construction would impose. In the legislative department, for example, it first becomes the duty of Congress to exercise its discretion in the enactment of such laws, as are deemed necessary and proper to carry into effect the powers granted; and if they, at any time, aim at objects not within the scope of those powers, or by means and instruments not fairly derived from them, it then becomes the duty of the Supreme Court to interpose its correcting power, to keep them within their prescribed sphere of action. In the selection of means, and in their adaptation to the ends propos-

ed, in executing the powers conferred by the constitution, a sound discretion is to be used; but, as in the chances and changes which await all political institutions, this discretion may be abused, an ultimate revising power is given to the Supreme Court. Such is the theory of our constitution, and such is the security provided by it against the abuse of the legislative power. At the same time, it is no less a part of this theory, that the legislative power of Congress, acting within its constitutional limits is and must be sovereign and supreme. In all cases where Congress have a right by the constitution to legislate, their acts must be uninfluenced and uncontrolled by the conflicting rights of the states. This is equally true of the judicial department. In the exercise of its granted powers, of its original and appellate jurisdiction it is ultimate and supreme; at the same time, it is equally bound to respect the rights and jurisdiction of the state tribunals. All this results from the supremacy of the constitution. As it was the work of all, it acts upon all, for the benefit of all, and its action must not be obstructed by a part.

It will always be in the power of a state, or of its citizens, to bring to the test, every doubtful exercise of the power of Congress. Cases of this sort have already occurred. The state of Maryland imposed a tax upon the branch of the United States' bank established there, and the case came before the Supreme Court. The first question was whether Congress had the power to incorporate a bank, and in the discussion of it, the incidental and derivative powers of Congress, the choice of means, and their adaptation to the ends proposed were fully examined, and the court determined that the creation of a banking corporation, was a proper and fit instrument for carrying on the fiscal operations of the government. Many examples of incidental powers were stated. The power given by the constitution to establish post offices and post roads was one. This power was executed by the single act of making the establishment. But from this power has been inferred, the power and duty of carrying the mail along the post road, and from one post office to another. And from this implied power, has again been inferred a right to punish those who steal letters from the post office, or rob the mail. The second question was, whether the state of Maryland could, without violating the constitution, tax the branch estab-

lished there. In the discussion of this question, the concurrent and conflicting rights of states were explored and their just limits ascertained. The court having determined, that Congress had the power to erect a bank, and this power being necessarily supreme, it followed that a power to create, implied a power to preserve; the unlimited power of a state to tax was a power to destroy; and the exercise of such a power being inconsistent with the preserving power, it could not coexist with it, but must yield to that power, which was in its nature, sovereign and supreme.

Every decision of this sort imparts something of solidity and durability to our constitution. It embodies abstract principles and gives them a local habitation and a name. A principle, however important, or even fundamental is not always clearly discerned, by the great mass of men, or if it is, retains no firm hold upon the mind; it may be perplexed, or darkened, or overthrown by ingenious sophistry; but a judgment of the highest tribunal whose right and duty it is to expound the constitution, connected as it usually is with interesting facts, is remembered, and exerts a salutary influence upon the public mind, even when the reasons on which it is founded are forgotten.

The state of Ohio has not chosen to submit to this opinion of the Supreme Court; but has proceeded by legislative and judicial acts, to lay and collect a tax upon the branch of the United States' bank established there. The government of the United States will proceed by its civil officers and process to act upon persons and parties, and it will remain with the state of Ohio to suffer the law to take its course, or to put itself in array against the government of the Union. If the last alternative is chosen, the question will then assume a new aspect, and must be decided like any other controversy between sovereign states.

An attempt to impede the execution of the civil process of the United States Court, was made in the year 1808 by the state of Pennsylvania. The case came before the Supreme Court upon motion for a *mandamus* to the district judge of Pennsylvania, directing him to execute the sentence pronounced by him in the case of 'Gideon Olmstead and others *vs.* Rittenhouse's executrixes,' or to show cause for not so doing. The cause shown by the district judge in his return, was an act of the legislature of Pennsylvania passed subse-

quent to the rendition of his sentence. This act authorised and required the governor to demand for the use of the state, the money which had been decreed to Gideon Olmstead and others, to direct a suit to be instituted for its recovery, and to use such further means as he should think necessary to protect the just rights of the state, &c. &c. A military force was ordered out, a peremptory *mandamus* was awarded by the Supreme Court, and the sentence of the District Court was peaceably executed.

In the execution of powers granted, or presumed to have been granted to the executive department, cases will arise requiring the final judgment of the Supreme Court, to confine this department also within its lawful limits. One case of this kind has already occurred. The proclamation of the president of the United States, restoring the non-intercourse acts upon the failure of the arrangement made with Mr. Erskine, was declared by the court to be illegal and void.

Another case arose during the late war with Great Britain, which brought in question the right of the executive department to decide upon the existence of those emergencies, upon the happening of which, the militia of a state might be employed in the service of the United States. The constitution vested in the Congress the power to provide for calling forth the militia, *to execute the laws of the Union*, to *suppress insurrections*, and repel invasions. The president of the United States, claimed the power to decide the fact in relation to either of these emergencies, pursuant to an act of Congress passed 28th February, 1795. The Supreme Court of Massachusetts, whose opinion had been required by the executive of the state, determined that this power was not given, either to Congress or the president, but was vested in the commanders in chief of the militia of the several states. The militia were withheld by the governor of the state, and nothing afterwards occurred to bring the case within the jurisdiction of the Supreme Court of the United States.

We are aware of popular impressions in relation to this case, and we also know that they are dangerous expounders of constitutional law. At present, it is enough for us to say, that whenever this question comes judicially before the Supreme Court of the United States, it may be determined in the same way it has been; and if not, the consequences resulting to the people of the United States may be of such a

nature as to unite them in providing the only proper remedy, an amendment of the constitution.

One case has arisen which drew in question the appellate power of the Supreme Court, and this case arose in the state of Virginia. The Court of Appeals, the highest tribunal of the state, in the case of 'Martin *vs.* Hunters, Lessee,' determined that the appellate power of the Supreme Court of the United States, did not extend to that court under a sound construction of the constitution; and that the judiciary act, which gave appellate jurisdiction to the Supreme Court was repugnant to the constitution. This opinion of the Court of Appeals was reviewed on a writ of Error, and finally reversed by the Supreme Court.

Our limits have only permitted us to indicate a few of the topics of discussion, in relation to the subject of constitutional law, and to notice some of the most important judgments of the court. This part of the law of the land is daily becoming more interesting, and exerting a wider influence upon the affairs of our country, from the respect that is generally felt for judicial decisions, from the intelligible form in which principles are exhibited, and from the gradual formation of a body of constitutional exposition, which will furnish precedents and analogies to future times. Within the last twenty years, we have seen the judicial department protecting the rights of the citizens of a state against the injustice of their own legislatures, and keeping within their constitutional bounds the legislative and executive powers of the union; and, through the disastrous changes that await all free governments, it may be found to be the strongest barrier against the tide of popular commotions, or the usurping spirit of popular assemblies. In the divisions which political opinions, or territorial lines and interests may make upon the great map of the empire, every good man would wish that the law should be supreme over all. While justice is allowed to do her work, uncorrupted and unobstructed, the ignorant prejudices, the local interests and passions of the day may mix, and ferment, and explode, without danger to our civil state. It is our just pride, that we have attempted a mode of government, which divests itself of all the support, which is derived from the honest weaknesses and attachments of the human mind; which, disclaiming all alliance with reverence for ancient authority, or the deep rooted habits of unthinking obedience, trusts itself, with no

other attractions than its own moral worth and dignity, to the custody of our virtues. By subjecting legislative bodies to rule, and holding them under the restraints of those fundamental principles and enactments, which we call the constitution, we have given a new dignity and higher duty to LAW, and realised the noble idea of a moral supremacy, clothed with power, to hold not only subjects of the government to a just performance of their various individual duties, but also the government itself, in all its departments, in its proper place and sphere.

In the brighter moments of our hopes for the future fortunes of our country, we are ready to exclaim with Sir William Jones:

> What constitutes a state?
> Not high raised battlement or laboured mound,
> Thick wall or moated gate;
> Not cities proud, with spires and turrets crown'd;
> Not bays and broad armed ports,
> Where, laughing at the storm, rich navies ride,
> Not starr'd and spangled courts,
> Where low brow'd baseness wafts perfume to pride.
> No! Men, high minded men,
> With powers as far above dull brutes endued,
> In forest, brake, or den,
> As beasts excel cold rocks and brambles rude;
> Men, who their duties know,
> But know their rights, and knowing, dare maintain,
> Prevent the long aimed blow,
> And crush the tyrant while they rend the chain:
> These constitute a state,
> And sovereign law, that state's collected will,
> O'er thrones and globes elate,
> Sits empress, crowning good, repressing ill, &c.

We may be told that this is the *beau ideal* of government, the vision of a perfect commonwealth; and so it is:—still the hopes of patriots and sages, amid discouragement and defeat, gather about and rest upon it, with something of that gladness of heart, which the tired traveller feels, when he first descries the sun lights upon the distant towers of the happy valley.

Although the dangers of American liberty arise and press upon us from every side, to chastise our hopes and our confidence, the duty of its true friends is not doubtful. They

must labour to augment that moral force, to which its very existence is committed; and if their efforts are unavailing here, they may address those who are doomed to witness its decline and fall in the language of Hector,

Si pergama dextra
Defendi possent, etiam hâc defensa fuissent.

ART. VII.—*Proceedings and Report of the Commissioners for the University of Virginia, presented 8th of December* 1818. Richmond, printed by Thomas Ritchie, 8vo, pp. 34, 1818.

THE Literary Fund of Virginia was stated, in an official report of the board of trustees, to amount, on the 1st of December 1818, to $1,114,159. The same report states that the annual income of the Fund, when it shall have been increased by the sums still due from the United States to Virginia, on account of monies advanced for military service in the late war, and by fines, forfeitures, escheats, and lotteries, will probably amount to $90,000 per annum. Nothing in the United States except a similar fund in Connecticut, which amounts, we believe, to between thirteen or fourteen hundred thousand dollars, can be compared to this splendid public dotation of literature.

By an act of the Assembly of Virginia, about two years ago, an act which we have not had the advantage of seeing, the income of this large fund was appropriated to the establishment of schools for the education of the poor, according to an apportionment among the various counties of the state, and to assist the foundation of the University of Virginia. We believe that the greater part of the income of the fund was appropriated to the *former* of these purposes. It is to the same purpose that the greater part of the Connecticut fund is also appropriated. We can conceive of circumstances, particularly in Virginia, which may make such public patronage of primary schools for the education of the poor, desirable and even necessary. But inasmuch as this primary education is procured at little expense, and is of such obvious and indispensable necessity that parents, even of narrow and illiberal minds, are commonly willing to furnish it to their children, we cannot but think that such primary schools may better be

left to the counties or the towns, and that great legislative patronage should be reserved for the higher institutions, which require expensive buildings, apparatus, and foundations. Experience, we believe, has taught in the state of Connecticut, that the primary schools are in no degree better, under the rich patronage of the school fund, than in Massachusetts, where every thing is left to the towns and parishes, acting under the provisions of the law of the state, which obliges every town to support primary and grammar schools. It might indeed have been foreseen that the citizens, in their town and parish capacity, would seize the excuse of such supplies from a fund, to withhold all further contribution; and it would be a singular instance, if this spirit were not sometimes carried so far, as to turn what would have been a powerful auxiliary into an insufficient principal; leaving the schools worse in fact, than they would have been without any such fund. We have already said that we can conceive of circumstances in the situation of Virginia, particularly those which arise from the want of density in her population, which may make legislative patronage full as necessary to primary schools, as to academies and universities.

In pursuance of the act of the Assembly, authorizing the appropriation of a part of the Literary Fund to the foundation of a state university, the commissioners appointed under this act, and for the purpose of carrying its provisions into effect, met on the 1st of August 1818, at Rockfish Gap, on the Blue Ridge, and agreed to the Report, of which the title stands at the head of this article. Among the members of the board of commissioners, we observe the names of Messrs. Jefferson and Madison, and the Report before us is ascribed to the former of these gentlemen, who acted as the president of the board.

The first business of the board was to fix on a site for the University. Three places were proposed; Lexington, in the county of Rockbridge; Staunton, in the county of Augusta; and the Central College, in the county of Albemarle. The preference was given to the latter situation, as being the centre of the white population of the state.

The Board next proceeded to consider a plan of university buildings. They recommend *pavilions*, to contain each a lecture-room and from two to four apartments, for a professor and his family; and that these pavilions should be united by a range of *dormitories*, sufficient each for the accommodation of

two students only, this provision being deemed advantageous to morals, to order, and uninterrupted study; and that a passage of some kind, under cover from the weather, should give a communication along the whole range. Besides this, it is proposed to have, for the dieting of the students, *hotels* of a single room for a refectory, and two rooms for tenants charged with this department. It is also supposed by the Board, that a building of somewhat more [larger] size, in which may be rooms for religious worship, under such impartial regulations as the visitors shall prescribe, for public examinations, for a library, for schools of music, drawing, and other *associated* purposes, will in time be called for.

We understand from this statement of the plan of buildings, that professors' houses, placed at proper intervals on the sides of a lawn to be left indefinitely open on one side, are to have wings consisting of what we should call a row of one-story buildings, for the accommodation of students, two in a room. It appears to us that a provision of from two to four rooms is inadequate for a professor and family. One room must needs be a study, one a parlour, and one a kitchen; leaving but one lodging room for the professor and his family. Moreover, though the college discipline would certainly gain, and that in a high degree, by thus stationing the tents of the professors, at proper intervals, along the camp of the students, yet the comfort of a family would suffer in an equal degree; nor can a more unpleasant residence for its inmates be imagined, than a pavilion thus surrounded and exposed. This is a matter of more consequence than may at first appear, since nothing would be more unfavourable to the interests of the university, than any circumstance which might tend to make it an ineligible family abode, and thus throw it into the hands of young literary adventurers, who would regard it merely as a temporary resort, for a few preparatory years.

With respect to the one-story dormitories for the the students, we are unacquainted with those circumstances in the climate of Virginia, which may make such edifices comfortable. With us they would be likely to be cold in winter and hot in summer. They also lengthen unnecessarily the line to be overlooked by the professors, and increase for this reason the difficulty of college discipline, at its best estate, difficult enough. We are also decidedly of opinion that, except in peculiar cases, apartments for a single student, are far more

favourable 'to morals, order, and uninterrupted study,' than the common plan of putting two tenants into one room. The arrangement in Holworthy Hall at Cambridge, is thought by some persons to combine the advantages of both plans. In that building, two students have a *suite* of apartments consisting of a sitting room and two bed chambers, which in summer serve also for studies. But for ourselves, we prefer one room, small as it may be, for one student; not, however, that we would put a compulsion on those, to whom the increased expense of fuel and light would make this plan oppressive. We are a little surprised at seeing nothing said of a larger building for religious worship, public examinations, a library, &c. but that 'it is supposed probable, that it will be wanted in time.' Not to speak of the first of these purposes, religious worship, with regard to which, the university will probably be under peculiar regulations, which this is not the occasion to discuss, what step can be taken without an apartment for public academical occasions, without halls for the various parts of scientific and literary apparatus, especially for that which is the life and soul of any university, a library?

After some remarks on the different objects of primary and academical education, and on the general importance of the latter, remarks in themselves just and forcible, but to which we should be apt to say in this part of the country, *res acta agitur*, the Board proposes the following plan of study which we copy as it stands in the Report.

'Encouraged, therefore, by the sentiments of the legislature manifested in this statute, we present the following tabular statement of the branches of learning, which we think should be taught in the university, forming them into groupes, each of which are within the powers of a single professor.

1. Languages ancient	Latin Greek Hebrew.
2. Languages modern	French Spanish Italian German Anglo-Saxon.

1. Mathematics pure
   - Algebra
   - Fluxions
   - Geometry elementary
   - ——— transcendental
   - Architecture military
   - ——— naval.

2. Physico-Mathematics
   - Mechanics
   - Statics
   - Dynamics
   - Pneumatics
   - Acoustics
   - Optics
   - Astronomy
   - Geography.

5.
   - Physics, or Natural Philosophy
   - Chemistry
   - Mineralogy.

6.
   - Botany
   - Zoology,

7.
   - Anatomy
   - Medicine.

8.
   - Government
   - Political Economy
   - Law of Nature and Nations
   - History, (being interwoven with politics & law.)

9. Law Municipal.

10.
   - Ideology
   - General Grammar
   - Ethics
   - Rhetoric
   - Belles Lettres and the Fine Arts.'

To discuss thoroughly this plan of study would require us to go deeply into several questions, each of which would be enough for a separate article, particularly that of the relative importance of classical literature, as a part of learning. This subject is becoming daily more interesting in our country, and we shall need no apology for often calling the attention of our readers to it, in the subsequent numbers of this Journal. We can afford at present only to make a few general remarks, on the plan of study here proposed.

In a particular explanation of the objects of the professorship of ancient languages comprising the Latin, Greek, and Hebrew, these objects are stated to be the completion of the classical learning of the students, 'by *the study of the authors of the highest degree,*' and 'the attainment of *a finished knowledge of the Latin and Greek.*' In a subsequent explanation, it is also stated, that the knowledge of the Latin, Greek, and Hebrew to be obtained, is to serve as a general basis of theology, to such as may be afterwards inclined to pursue that study farther.

Here we are constrained to remark, that for these objects, not to say for any objects, one professor of Latin, Greek, and Hebrew is too little. Here is no controversy, about the relative importance of classical and other learning. The avowed object is the reading of Greek and Latin authors of the highest class, and the attainment of a finished knowledge of those languages. No one man's time, if there were no other question, could suffice to read these authors with or to a hundred students, and surely no smaller number than this can be expected. The most ill provided school furnishes double this quantity of aid; though school teaching admits of help by monitors, &c. which academical teaching does not. The Boston Latin Grammar School, the most respectable institution of the kind in our country, has five instructers for 180 pupils. We do not mean to say that it is necessary to provide academical instruction in this ratio, but certain we are that the service, which *one* man can render a university in the reading of the highest classical authors, and attaining a finished knowledge of the ancient languages, will be found on trial to be inadequate. We have not spoken of the somewhat liberal assumption, that individual professors themselves are to be found, each perfectly skilled in all these ancient languages. For it must be remembered that it is necessary, not only for a professor's reputation, but for the actual success of his teaching, that he know a great deal more, than he is obliged to teach. He cannot read any of the highest authors, without being able to read them all familiarly; and before he can dispense any of the parts he must himself possess the whole. We should say this of the Latin and Greek alone. The addition of Hebrew we suppose to have been made to the plan, rather for the sake of giving it systematic fullness, than in the expectation that instruction in Hebrew

would be called for. Should it in reality be wanted, by however small a number, since as much acquaintance with the subject is wanting to teach two as twenty, it need not surely be stated, that this language, of a different stock from the Greek or Latin, and to be studied through a totally different series of writers, makes a most serious addition to the task of him, who is to provide for all the Greek and Latin instruction of the university. Pretenders enough to these three languages, and as many more as the Board might have pleased to associate with them, may no doubt be found. But a modest, solid man to teach all this will be a rarer acquisition. It will be well to take some pains to secure such a man, for the facility of imposition in the untravelled regions of Hebrew and its kindred dialects is memorably illustrated in the memoir of the life of the author of Anacharsis.

We highly approve of the professorship of the modern languages, and could wish to see this example followed by such of our universities, as have not already made provision for them. It would not, perhaps, have been amiss to name the Portuguese language, with the Italian and Spanish; as being one of those tongues which can boast of a universally recognised national literature. We rejoice too at the kindly remembrance, in which our almost forgotten ancestor the Anglo-Saxon is borne. An acquaintance with it unquestionably belongs to a thorough education in the English tongue. We object, however, to calling it 'the first link in the chain of the historical review of our language.' What is justly said of the German language in the report, that it is a branch of the same original Gothic as our own, might with equally propriety have been said of the Anglo-Saxon. The Gothic is certainly to be regarded as the oldest form of the great Teutonic stock of languages, of which the Anglo-Saxon, the ancient German, the Icelandic, the Low German, the Swedish, the Danish, the Dutch, the Flemish, and the High German are earlier or later descendants. We mean to say that the Anglo-Saxon is not a dialect, so distinct and peculiar, as to be entitled to this exclusive place in the early history of the English language. To understand any of these earlier dialects well, the few remains which we have of all of them must be compared, and that not in vocabularies, but by a patient study of the fragments themselves. This has hitherto rarely been done. Such etymologies as you find in Jamieson's

Scottish Dictionary, such referring of this root to one dialect, and that to another, such distinctions between Mæso-Gothic, and Suio-Gothic, and Alemannic, when the roots in question are for the most part, as far as we are able at this day to judge, common to all, do but prove how little dependence is to be placed on glossary and dictionary learning. So gross is the ignorance of the English and American public, in this respect, that the language of Holland is still called Low Dutch as if there were any such thing as High Dutch, and the language of Germany is still called High Dutch, though it is no Dutch at all. The Gothic is the more entitled to the notice we claim for it, since the additional discoveries of the Version of Ulphilas, which have been made at Milan, and which will unquestionably open a new and very wide field, in the study of the antiquities of the English language. With respect to the resemblance of the Anglo-Saxon to the English in its present form, we are apt to think it somewhat overstated in the report. 'It even now needs only to be printed in the modern character and orthography, to be intelligible in a considerable degree, to an English reader.' What would an English reader make of a passage like the following from the beginning of the second chapter of King Alfred's version of Boethius, which we take as the first specimen of the Anglo-Saxon at hand, from the history of the English language in Johnson's Dictionary. 'Tha hoth thie ic wreccan geo lustbærlice song ic sceal nu heofiende singan. Mid swi ingerathum worthum gesettan. Theah ic geo hwilum gecoplice funthe. Ac ic nu wepenthe giscienthe of gerathra portha misfo me ablenthan thas ungetreowan worulth sæltha.'

We are not quite sure that it is correctly stated to be an advantage of the Anglo-Saxon over the Greek and Latin, that 'the former gives the radix of the mass of our language, while the latter explain its innovations only.' The English language is a mixed one. Three great stocks with some minor contributions from it: the Teutonic, the Celtic, the Roman. We are not persuaded that the Teutonic roots outnumber the two other sorts: nor are we quite convinced, if they do, that the roots of the Roman stock are to be set down as mere innovations, as interpolations into the language, while the Teutonic roots alone are allowed to be integral parts. However this may be in point of right to a name, in matter of fact it is surely as important to know the source

of these subsequent additions, as of the original roots. The Norman French was introduced into England, by the same right of conquest that brought in the Anglo-Saxon; and it is of right the Celtic roots alone which can claim precedence in the British family of speech. These of course are too few to be named as a separate dialect, especially as the study of the Celtic remains is perplexed with such a vexatious and inexplicable controversy about their authenticity. We were a little grieved, if we may say so without disrespect toward the distinguished name at the head of this report, to hear of 'the *few weeks* of attention, which would alone be requisite for the attainment of the Anglo-Saxon.' Though we could never be guilty of the rudeness of placing any suggestion sanctioned by that illustrious name on a level with the chimerical projects of the day, we must confess ourselves fairly fatigued with these six weeks plans of learning languages. We have now on our table, or rather under it, a plan for learning French in twenty four lessons, and Hebrew in thirty, with the assurance that Latin and Greek may be done up, with equal ease. We know not which most to wonder at, the good nature with which discreet people suffer pretenders to confound learning a language, with learning something of it; or the hardihood with which the experience of the world is still set at gross and open defiance, and itinerant sages are imagined to have a magic key, to unlock that chain, by which the gods have bound labour and acquisition together. Analysed and sifted, indeed, these pretensions, gross as they are, come to nothing; for the gentle pupil is ever duly warned that 'correctness and facility will come by practice,' as if any thing but correctness and facility were worth having; as if it were not precisely this *practice*, which our wise men affect to dispense with. As to Anglo-Saxon, we have no objection to the learning of the alphabet and the meaning of the more obvious roots, in a few weeks: though the quantity of time contained in a few weeks, will vary greatly, accordingly as they are exclusively devoted to any one pursuit, or two or three hours are spared from each day, which we apprehend is as much as would fall to the share of the Anglo-Saxon. To become familiar with this dialect, to compare it with the others equally near the common stock, to note the errors in our common lexicographical and etymological works will be the work neither of weeks nor months; and less

knowledge than this is of no great value, certainly of no value, as a part of a critical study of English.

As the French nomenclature is so far followed, in the fourth department, as to make the terms physics and physiology synonymous, terms which in the English writers denote sciences very diverse from each other, it might have given more harmony to the language of the plan of study, had the French phraseology taken place of the English denomination Fluxions, in the department of the pure mathematics. We confess ourselves, moreover, not prepared to find in this department of pure mathematics, a place assigned to military and naval architecture.

It is not perhaps philosophically wrong to class geography under the next head, of what is usually called mixed Mathematics, and which is here called Physico-Mathematics. But surely it is sacrificing too much to system, in a practical method of education, to separate geography from history, which gives it so much of its interest. We trust this will be one of the subjects on which to exercise that discretion, which the report claims for the visitors, of grouping differently the subjects according as expedience may suggest.

The tenth department appears to us to be overcharged. 'Ideology, General Grammar, Ethics, Rhetoric, Belles Letters, and the fine arts,' with the addition of Natural Theology, stated in an explanatory remark to belong to this department, are surely branches too numerous and too dissimilar for any man, however unwearied his industry, or versatile his talents. What connexion is there between the science of thought, and the fine arts, or between either and morals, that they should thus be grouped together? We are aware that in the University of Edinburg, the Philosophy of the Mind, a name which we prefer to Ideology, has been long taught by the Professor of Moral Philosophy. This, however, is doubtless an accidental thing, owing to some want of a separte chair for metaphysics, or at any rate, it is but the union of two branches, while we have here, at least, four, which are usually held to be great departments of themselves.

We have not time to accompany the Board through the rest of the Report, though the remaining portions present many important topics of discussion, particularly with regard to academical discipline. We beg leave to commend the

whole Report to our readers, as an uncommonly interesting and skilful paper; well assured that they will overlook a little *neologism* in the language, and a few unauthorised words such as *location*, *centrality*, *grade*, and *sparse*, for the sake of the liberal zeal for science which it breathes and inculcates.

The general subject of academical education is so important that we venture to ask the attention of our readers a little longer to it. There are two questions to be asked on the subject of universities, first, what a university ought to be, second, how shall it be founded and supported.

Though used in the same general sense in Europe and America the word university is commonly applied by us to institutions considerably different from the European, at least, from the continental establishments: for the plans of the English universities coincide essentially with those of the best American ones. The universities on the continent are properly speaking professional schools; places to which young men who have carried their classical studies to a high degree of perfection, at gymnasia or high schools, resort for the study of their profession, of law, physic or divinity. It is here too, that they prepare themselves for another profession, scarcely known with us, viz. the Classical. All who look forward to places of instruction at the universities or the academies, who propose to get their living as professors or school-masters, together with the students of theology, to which class in fact the other for the most part belongs, these all make philology in its widest sense a great and constant study. Nor is it to be supposed that the other students who are preparing themselves in the faculties of law, physic, and divinity confine themselves illiberally to the routine of the professional lectures. There are some kindred branches of knowledge cultivated by the students of each profession, and a few of popular and universal interest attended to by all. Antiquities, the branches of natural science, history, geography, statistics, diplomacy, mechanical processes, agriculture, forestry, the fine arts, archaiology, or the remains of ancient art, hold out attractions for some in each of the professions; and especially occupy the attention of the young men of leisure and fortune, who without devoting themselves to any particular profession, wish to obtain a finished education.

Is nothing of all this wanted in our country? Is it not a defect of our university system, as well as of the English,

that no reference is had to the destination of the student, but that he is required to dip into the whole circle of science? No more of the ancient languages is taught at the universities to those, who are hereafter to expound the Hebrew and Greek scriptures, than to those who mean to live in law and politics. Nor are the natural sciences farther explained to him, who is to be a surgeon or physician, than to the future lawyer or minister. How extremely loose men's notions on this subject are, may be seen from the practice of some of our universities, where anatomical demonstrations are made to all the members of the college class, of whom not a sixth part will treasure up the difference between a vein and an artery, a nerve and an absorbent vessel. The report before us, provides for a similar amount of medical instruction, without considering that it is too superficial for the professional student, and will in two years, not to say months, be wholly forgotten by all the rest.

But some one may reply, that besides our universities we have professional schools. There are the medical schools at Baltimore, Philadelphia, New York, New Haven, Boston, and Hanover; there are the law schools at Litchfield and Cambridge; the divinity schools at Princeton, New York, Cambridge, and Andover. It is true there are these institutions, more or less resorted to, and more or less deserving to be. But there are two things to be answered to this. The one is that after all, for whatever cause it be, a small part of the professional education which the country requires is sought at these places. Take the country through, and we are nearly sure that not more than half the physicians, and quite sure that not near even that proportion of the lawyers and ministers are educated at these schools. So that if the want of places for professional education be a real defect, these schools do not remedy that want. But secondly, it cannot be expected that they should remedy it. If a part of the fault lies in the state of our society, where it is too easy for any body and every body, with or without merit or education, to get well on, another and perhaps the greater part of the fault lies in the institutions themselves. They are not attractive enough. With two or three exceptions which it is not necessary to name, they do not hold out very high inducements, even in the single thing, in which they profess to deal. In most of our professional schools even the one little nos-

trum of which the name is painted up in gilded letters on the sign-board, is dealt out to moderate amount, and not always of the first quality. But more than this, these professional schools suffer from this very division and partition of branches. Learning is not such a wretched mechanical thing, that you can cut it in pieces and carry the parts hundreds of miles from each other, and they will still retain all their properties. It is a living body; its different members belong together, commune vinculum habent; they never possess their true nature and activity when they are sundered. There is a proper corporate spirit in a Universitas Artium, in a place where all the branches of useful knowledge, all the parts of a finished education are brought together to emulate each other, to illustrate, to adorn, to aid each other, and but a small part of this spirit goes with the separate portions of the dismembered whole when removed to a distance from each other. There are many great establishments wanting in a university, above all a grand library. The resources of a single professional school are inadequate to procure these. There are many subsidiary and illustrative branches of knowledge belonging to all professions, but not peculiarly so to any, and these can never be expected, can never be supported at a single professional school. At which school, for instance, the medical at Philadelphia, the legal at Litchfield, or the theological at Andover, would you fix a professor of statistics and geography?

Others will start from the beginning, and say that the whole thing is useless, that we do not want any professional institutions; that it is best to learn in the old way, in the office of the lawyer and the study of the doctor or the minister. This notion, it is true, is so fast disappearing that it may seem fighting with shadows to assail it. Still we think there are many sensible people, who hold it, some of one profession, some of another, some of all; and of these we would ask but a moment's reflection. We think it necesssary to have schools for the a, b, c. As soon as a child can articulate he is put into a class. Reading and writing must be systematically taught, and schools established for instruction in these branches. Then we have other schools and academies for Latin and for Greek, for geography, history, arithmetic; and we have what we call universities to enlarge on all these branches and to teach a little of all that belongs to a liberal

education, and here it is that our establishments fail us. The most important and farthest advanced portions of education are left without aid, and young men must grope their way without system or organization through the most difficult and momentous part of their preparation for life. And when you labour to expose this enormous incongruity, there are never wanting men to defend it, and that plausibly. The main reply now is, that the present mode is adapted to the state of our country, as if there were any thing in this splendid prosperity, this wonderful growth, this youthful vigor of political existence, which did not rather make it fitting that every thing with us should be upon the most liberal and accomplished footing. This reply however, is sufficiently met even by our own practice. It needs no words to prove this of medicine, since every body who can afford it attends his medical courses. The success and reputation of the medical school at Philadelphia, to name no other example, is the completest vindication of the public mode of pursuing at least this one profession.

Law, throughout the continent of Europe, is taught at the universities; in England it is taught in private, much as with us, and it is a fair question, which is the best method, and which is the best adapted for America. The continental law is substantially the civil. It is principally contained in the Institutes and Pandects, or in codes formed on them. Its texts are in a learned language, and so are its best expositors. It is therefore purely an academical, to a good degree, a classical study. But not only is the scientific and theoretic part of the continental law taught in lectures at the universities, but the details of practice, the modes of proceeding in court, are taught in the same manner. Nay more, the law faculty at the several universities in Germany, is a Court of Appeal, or rather of reference. The acts of every important case are sent to some law faculty to decide; not only the law, but the fact is pronounced upon by them; nor does it often happen that their decision is departed from, when returned to the final tribunal. All this certainly conspires to give an academical character to the continental law. The English law is overloaded with forms, which must be learned by witnessing their constant repetition in practice. This part of the profession must perhaps of necessity be learned in the office or the court. But even these forms of the letter have a philosophy, an origin, a connexion with the spirit, which would form

no insignificant part of a course of lectures on our common law. But our law, as well as the civil law, is contained in books,—is to be learned from books. That we have not had our Justinian, is a circumstance which does not make it less necessary, it surely makes it more necessary, for us to pursue the study, with all the artificial aids of academical method. What are the Pandects, the Institutes, the Constitutions, or the Novellæ? What are the fragments of Ulpian, or the Institutes of Gaius, compared with our law digested and not digested, our treatises on all the parts, and every part, our libraries of Reports, and of Statute books? Does there want no system here? Is every student under every lawyer, in a hopeful way to find the shortest and safest path through this perilous maze? Are not the multitude of books, the want of a digested system of the whole law, the confusion and obscurity of some of the most important treatises, and the want of reference of the whole to one grand plan of law study, are not these so many obvious reasons why an attempt should be made to supply, in the manner of learning, that method, which is wanting in the records of the science itself, and to give that symmetry to our legal education, which characterizes the writings of the continental jurists, so highly to their advantage in comparison with ours. Surely the few experiments made in thus systematizing our study of the law are such as to encourage the continuance of similar experiments. Blackstone's Commentaries were the production of a professor of All Souls' college in Oxford. Our present loose method will have more to say for itself, when it has produced many treatises like this. It is in this form we would have our law taught, though it might not be safe to trust our professors with Sir William's daily bottle of port, or to require of the student with us, as is done of the students at All Souls', that he be bene natus, bene vestitus, et mediocriter doctus. Besides our common law, which might, for the reasons we have hinted, we think, be advantageously studied in the academic method; there is the civil law, which it would do us no harm to know something of. Our law is not yet built up. Nolumus leges Angliæ mutari is not our principle. We will have the law of America to be changed, where it is unjust, or obscure, or wavering, or defective. It is our duty to resort to all the sources which are open to us, for the means of healing these defects, where they exist. The civil law is the richest of these sources, and ought to be studied by all,

who have the perfection and honour of our jurisprudence at heart. Every day's attendance on our courts furnishes instances of its application, and no farther from us, than the work noticed in our preceding article is a beautiful citation from Papinian, in defence of a most important maxim of the English law, made by Chief Justice Kent, in the case of Dash *vs.* Van Kleek, and quoted from that case by Mr. Webster, in his argument in the Dartmouth College question.* Under these circumstances, it would surely add much to the perfection of our law studies, did we revert to the practice of our fathers before the Revolution, who, we are well informed, acquainted themselves at least with the contents of Domat.

We have left ourselves but little room to speak of the profession of divinity. No provision is made for instruction in this department, in the university of Virginia. As this is probably the first instance, in the world, of a university without any such provision, our readers will perhaps be gratified with seeing the portion of the report, in which this subject is mentioned.

'In conformity with the principles of our constitution, which places all sects of religion on an equal footing; with the jealousies of the different sects, in guarding that equality from encroachment and surprize; and with the sentiments of the legislature, in favour of freedom of religion, manifested on former occasions, we have proposed no professor of divinity: and the rather, as the proofs of the being of a God, the Creator, Preserver, and supreme Ruler of the universe, the Author of all the relations of morality, and of the laws and obligations these infer, will be within the province of the professor of Ethics; to which, adding the developments of those moral obligations, of those in which all sects agree, with a knowledge of the languages of Hebrew, Greek, and Latin, a basis will be formed, common to all sects. Proceeding thus far without offence to the constitution, we have thought it proper at this point to leave every sect to provide, as they think fittest, the means of further instruction in their own peculiar tenets.'

The result of this hazardous experiment it is not for us to anticipate. We feel, as sensibly as the framers of the report, the sore evil resulting to our theological schools, from that diversity of sects which is made the ground of striking a

* Some of the parts of the Roman law more directly bearing on this important case may be found in an essay of Heineccius de Collegiis et Corporibus Opificum, Opera ii. 367.

chair of theology from the list of the Virginia professorships. With us, the evil operates in a different way, not in wholly depriving us of theological instruction, but in splitting up the theological community, small enough at best for the support of an institution competent to supply the wants of our country, into two or three weak factions. It is the smallest evil of these parties that they divide that public patronage, which is all wanted for the common cause. A sectarian spirit, most unfavourable to the improvement of society, and most uncongenial with the temper of christianity is generated within the various theological camps pitched throughout our country. We are sure this is not a necessary division. The law has its Cassians and its Proculeians, as of old, but this does not throw its members into a bitter hostility with each other; and in our medical lecture-rooms Brunonian sits down with Cullenian, side by side. Why Calvinist and Arminian, Trinitarian and Unitarian should not be equally tolerant, we are at a loss to say. At any rate, we believe there is but one opinion in this part of the country relative to the necessity of pursuing theological studies, under the direction of academical method. If there be therefore any considerable degree of justice in the foregoing remarks, it would seem that something like the continental universities is not a little to be desired among us.

We proposed to say a word on another important question. Considering it granted that we ought to found universities of a higher order than any we now have, or to elevate those now existing, into professional schools, it is a great question, how this shall be brought to pass. Who is to pay the salaries, furnish the libraries, fill the cabinets, and build the edifices? Shall we depend, as hitherto, on private munificence, or shall our state governments do more than many or most of them have done; shall our national government, which has hitherto done nothing, do something? This we fear is a sore point in our history.

Who can cast his eye over the map of Europe, and ask of each country, what the state has done for literature, and not blush for the Republic of America? Of England, or of her literary patronage, it were superfluous to speak. We know the fruits, for we print her books, and think her thoughts, daily and hourly. We are not yet delivered of our mother country; our literary organization is in embryo, it elaborates little or

no blood; but our veins are filled, and our system sustained by the stream that flows into it from England. Of France, likewise, not unknown among us, it is also unnecessary to speak; except to say, that the discouragement of all literature, not connected with the military sciences, has been one of the most unpromising points in the sad history of the last 30 years; and that Louis XIV, by the annual expenditure of 100,000 livres, gathered around him a circle of famous men, who will make his age remembered as an epoch, long after the victories he gained, are numbered among the sins of mankind, or remembered only in the panegyrics of his pensioners. But let us mention what Holland and Germany and the small states have done. When, after the memorable Spanish war, it was offered by the States General to the city of Leyden to choose a university, or an exemption from taxes as a reward for their brave conduct in the siege, her wise citizens chose the former; and a light went out from Leyden over Europe, which will make Holland memorable, in the history of modern improvement, long after her dykes are washed away and the sea has passed over her. Holland, with a population of much less than two millions had four universities; universities, not in our sense of the word, but, where the maturer mind was guided to the heights of knowledge. Her literary decline has been a precise index of her growing political insignificance. In 1756 Europe sent her delegates to Utrecht, to arrange the balance of power; she had already sent her sons from every quarter, to form their minds at her university. Now the latter would be no more thought of than the former. It is not intended here to be hinted that the literary decline has in any considerable degree produced the political, but that it is a precise index of it; and that at least where there is no literature, there is no national character. The little principality of Hesse Cassel supports a university, and Hesse Darmstadt another. In the insignificant kingdom of Saxony is the noble university of Leipzig. In the little Saxon dukedoms is the venerable university of Jena, shaken indeed by the convulsions of the times, but once famous throughout Europe, and now rising from its ashes. In the kingdom of Wirtemberg is one distinguised university, and in the duchy of Baden another, that of Heidelberg. In Hanover, which has a population of one million, is one of the best universities in Europe, and in Prussia are four or five, and some among the best, such as

Halle, Berlin, Breslaw, and Kœnigsberg. It is to be remembered, too, that all we have named are supported immediately by the government of the states, where they exist, and all of them are institutions of which we have positively no example. For there are, together with these, gymnasia and schools, from which the pupil departs, more and better taught in the classics, than from our best universities. Now let us reflect that these establishments are supported, some of them, by little states that would lose themselves in a county of Virginia or Pennsylvania, and whose whole revenues would not pay half the annual imposts of New York. Secondly, that they are established by dukes, and princes, and electors, and kings, by these natural enemies, as they have been called, of the people. It is these arbitrary lords and petty tyrants, who have done that for their states, which United America will not do for herself. And there is scarce a little princedom, in the Germanic body, which has not contributed more to the amount of human knowledge, and the progress of the human mind, than all that vast empire, which God has given us to administer. Or if we will go back yet three or four centuries, to the foundation of the older universities, we trace them to the bounty of bishops, and cardinals, and popes, and catholic priests; who, if they extorted money from the people by practising on their credulity, knew, at least, how to make some applications of it, which might serve as a lesson to our enlightened land. Finally, throughout these countries the yeoman is almost a slave, and that class of the people which nerves the state is for the most part shut out by the remains of the feudal system from enjoying these literary privileges. With us, by that melancholy perversity which displays itself too often in human affairs, where this fundamental portion of society is free and the spirit of the community not only permits, but invites members of it, to raise themselves to any height within the power of their natural gifts to attain, with us the means are wanting. Our mouths are filled with the praises of our own illumination, we call ourselves happy, and we feel ourselves free, but content with a vulgar happiness, and an inglorious freedom, we leave it to despots, to build universities as the toys and playthings of their slaves. When we look upon these states of Germany behold them now swept, as with the besom of destruction, by an invading foe; now oppressed with the presence of a cumbrous and hungry ally,

now occupied and garrisoned by a conqueror, and anon drenched in some great conflict with blood; their population miserably thinned, their finances, for two generations in advance, exhausted, and witness how in despite of this, the march of literature goes on, how universities are upheld, when governments sink, and the professors of learning are supported, when all seems decaying, we cannot but honour this noble constancy to the interests of the mind, and feel a higher respect for that literary profession, which has made itself so precious, and acquired itself such a title to protection.

Nor is it without a blush for our native country, that we ask, what it has done in the morning of a prouder march on the path of political aggrandizement, than the history of the world has ever witnessed. Has she, with her abundance, contributed in proportion to the mites, that these exhausted states have thrown in. Or has it been an inglorious, an ungrateful, an uninspired prosperity, which the historian of future days will blush to set down. There is one more example to reproach our country for the neglect of the literary interests, where we should least expect to find it,—in modern Greece. Let us conceive of the real situation of this people, if people it can be called, who have no other national existence, than that of a weary and soul subduing bondage, to a barbarian master. Let us recollect how totally they are deprived of those common rights, which make the elements of political independence; to say nothing of their wanting that high and romantic freedom, which is enjoyed in our country alone. And yet this people, without laws to protect them, without even the common mercy of a civilized lord to depend upon, reduced to purchase domestic, humble privileges, the means of subsisting, and the security of life, by exorbitant and constant bribes; scattered throughout a wide and hostile empire, without the means of concert, or the common encouragements to effort, this people has done much, very much, to encourage learning. Our federal government has founded no institutions; but *they* have founded many. At Scio, at Smyrna, at Yanina, at Mount Pelion, at Cydonies, and at Bucharest; these they not only support, but purchase extravagantly of the Turks, the permission to support them. They send out young men to the European universities, to fit themselves for the office of professors at home; and four years since, the single city of Scio sent to Paris $10,000 for the purchase of a library for the

academy there, and an annual sum of $1000 is added to the fund.

One knows not where to find the cause of the indifference, which the American government has at all periods testified to national education. One would have thought that as a favorite object with Washington, and one of which he had himself, in some sense laid a foundation, it would have found an early place among the measures adopted by the government. It has perhaps been thought that national education should be left to the states. But why leave one of the most vital interests of the community to the states, where the strength of responsibility is small, the means of patronizing public institutions proportionably hard to command under the unpopularity ever attending increased expenditures, and where a very limited portion of the resources of the country is every way inadequate to the protection of extensive public concerns? But what have the states done? In the first place, have they founded any institutions for the most important and crowning part of education, the professional, from Georgia to Maine, from New York to Indiana? Not one. They have indeed in some cases patronized the existing colleges. Massachusetts a few years since granted 160,000 dollars to her three colleges. New York has liberally endowed Hamilton College, something we believe, has been done in Pennsylvania, and Virginia is now establishing schools and universities; but are two or three hundred thousand dollars appropriated to colleges scattered over the country at vast distances from each other, and granted by independent bodies without mutual concert or system, all that the people of America think that literature is entitled to?

Finally, has it been thought, that it was well enough to commit this interest to the movings of private generosity? We confess that much private generosity has been displayed; and almost all, that we have to boast of literary establishments among us, have been alms-gifts of public spirited men. Were this the place for such details, we might gratify ourselves with dwelling on more than one instance of private beneficence to our literary institutions, entitled to warmest gratitude and praise, and which in this part of the country have out-numbered we think all that has been done in this way in the rest of America. But does it become a mighty nation rising fast into an importance, destined to throw a shade over

the decaying greatness of Europe, does it become us to depend on charity, for the education of our sons and the upholding of our national character. There are two reflections which are important in this connexion, and which are not often enough made. This dependance on single and private bequests of rich individuals is a relic of a state of society, which never existed among us, and to which we have nothing else corresponding. In the catholic ages, or in the ages of any superstition, when men thought their peace with heaven could be made at dying, for lives spent in violation of all its laws, by founding or endowing public institutions for religion and literature, there was no need of the interference of the state for the erection of these establishments. In proportion to the strength and blindness of the general faith, and it was not wanting in either respect, were the number and richness of foundations. Most of the munificent establishments at Oxford and Cambridge have no other origin. All this has past away. With us the death-bed of the weak or wicked affluent, is not approached by the dispenser of heaven's forgiveness; nor is any method left by which the public institutions can nourish themselves out of the profligacy of the living or dying rich.

We not only want the means of extorting bequests from departing profligates and heretics, but we have among us none of those overgrown estates which allow of great munificence, and few of those ample fortunes, which make more moderate acts of liberality convenient and practicable. Our rich men have no entails to hold their fortunes together, and enable them to bestow very large donations on public institutions, without affecting the inheritance of the successor. With us there are few men who feel at liberty to act without regard to their children and family, and most men really cannot afford to build colleges among us. Besides this, our rich men generally acquire their fortune themselves. The community has not only no claim upon them to lavish it on the public institutions, but it has no right to accept the charity, at least it has no right to let that be the only resource. This is not the case in other countries, where a privileged order derives an overgrown revenue from an oppressive system of rentage, and a title gives a man a claim to an hereditary estate, which the laws have taken out of that great market of merit, where the race belongs to the swift and the battle to

the strong. Here there is no charity in the most splendid donation. These are the sources to which to apply for bounties to public objects, and it is by such bounties that a little of the wealth thus unjustly monopolized finds it way back into the channels of public welfare. But who can avoid recurring to the depressing comparison between our free country, and those where freedom is but a name. Who can calmly see us, that of all the world, ought to regard every thing as sacred which belongs to the enlightening, instructing, and elevating the nation, leaving it to emperors and kings, to princes and electors, to landgraves and margraves, to archdukes and dukes, and all the poor pageantry of foolish man, to be the guardians of the highest good, the cultivation of the intellectual man. Who can see, without shame, that the federal government of America is the only government in the civilized world, that has never founded a literary institution of any description or sort.

With this reflection we drop the subject at present, in the intention of presenting it again to the attention of our readers, with the earliest opportunity.

ART. VIII.—1. *Substance of two Speeches, delivered in the Senate of the United States, on the subject of the Missouri Bill. By the Hon. Rufus King of New York.* New York, 1819. pp. 32.

2. *A Charge delivered [by Mr. Justice Story] to the grand juries of the Circuit Court at October term* 1819, *in Boston, and at November term* 1819, *at Providence, and published at their unanimous request.* Boston, 1819. pp. 8.

SLAVERY, with the various views arising out of it, is a subject deeply interesting, exerting a powerful influence upon the moral and political character, the security, prosperity, and happiness of the United States. A subject so intimately connected with all the great interests of a powerful, prosperous, and rapidly increasing community, demands the earnest attention of its statesmen and legislators, its patriots and philanthropists, of all those who think, as well as those who act for the public. The existence of slavery in this country may be regarded as affecting our character abroad, and our condition at home. Our sensibility is not particularly moved

by the observations of those travellers and foreign journalists who have taken occasion to speak of this subject, in a manner and temper calculated, and perhaps designed, rather to wound our feelings, than to suggest attainable improvements in our condition. Still we cannot divest ourselves of a secret and distressing consciousness of the glaring inconsistency of our professions with our practice. Whilst our most solemn declarations, those constitutions which form the basis of our civil and social institutions, have set forth in language sufficiently strong, explicit, and comprehensive, the purest principles of natural and civil liberty, and the soundest maxims of universal right and justice, the institutions themselves seem destined, in practice, by a sort of uncontrollable fatality to allow a state of slavery, by which a large portion of human beings are utterly deprived of all their rights.

Slavery, though a great and acknowledged evil, must be regarded, to a certain extent, as a necessary one, too deeply interwoven in the texture of society to be wholly or speedily eradicated. It is a subject therefore, whatever careless or superficial persons may imagine, which neither can nor ought to be passed over by contemptuous sneers or bitter reproaches upon those who are possessors of slaves, or by animated appeals to the passions of those who are not. It should be approached with great calmness and good temper, with great firmness of purpose, with pure, enlightened, and benevolent feelings; but at the same time with that sober and discriminating benevolence, which regards not merely absolute right, but attainable good, and which in the eager pursuit of a desirable end, will not blindly overlook the only practicable means of arriving at it.

Although we are constrained to acknowledge that this great evil cannot be wholly removed, we are quite sure, that much, very much may be done to mitigate and restrain it by the persevering exertions of humanity, virtue, and intelligence. If an example were wanting of the entire revolution in the habits of thinking and feeling, of a great and enlightened community, which in a short period may be brought about, the case of England would afford a most striking one. Very few years have elapsed since the most solemn tribunals of justice in that country, were engaged in discussing and settling such questions as these; whether slaves infected with a contagious and mortal disease, and thrown overboard alive to prevent the

spreading of the contagion, ought to be considered as the subjects of general average; whether on a policy against loss by mutiny, the death of slaves not joining in the mutiny who jump overboard to avoid being fired on, and are drowned, or those actively engaged, who die of despondency in consequence of the failure of the mutiny, can legally be considered as a loss happening by mutiny; whether if the master of a slave-ship through ignorance mistake his course, whereby a scarcity of water ensues, and a number of slaves are thrown overboard to save the rest, or whether if a large number of slaves are starved to death, in consequence of a voyage unusually protracted by head winds and boisterous weather, the losses thereby occasioned can be considered as losses by perils of the sea; whether the death of a slave driven to commit suicide, by that overwhelming sense of desolation and despair produced equally by bitter recollections of the past, and gloomy apprehensions of the future, technically and contemptuously denominated by slave dealers, *the sulks*, is to be considered a violent death, or one happening in the ordinary course of nature; as an extraordinary loss, or one proceeding from the intrinsic vice of the article. Such discussions at the present time, in Westminster Hall, in the midst of a humane and polished people, would be regarded with little less abhorrence, and disgust, than the grave deliberations at the council-fire of a savage tribe, upon the most approved and accustomed methods of torturing their captive prisoners. It is no reproach to the eminent men who sat at those tribunals, that such questions were entertained there; when the trade itself is held lawful, all questions arising out of it must be judicially settled. But it is one among the many evils of legally sanctioning such a trade, that it tends to degrade the ministers and profane the sanctuary of justice.

The change of public sentiment in Great Britain has been entire and complete, as well as rapid. Though so few years have elapsed, since the direct trade in slaves was not only allowed to British subjects, but was carried on to a frightful extent in British ships, by British capital, yet now no individual in that country, having any regard for his own reputation, or respect for public opinion, would venture to utter a word of apology for this detestable traffic. On the contrary, her own abolition laws, and her strenuous and persevering exertions in her diplomatic arrangements with other

powers, to induce them to relinquish the slave trade, until the abolition shall become entire, are justly regarded by every enlightened Englishman, as the proudest monument of his country's glory. Though we think it will appear to the candid readers of the chapter on slavery in Mr. Walsh's book, that a little too much credit has been claimed by England for her exertions in this cause, yet we are not disposed, on that account, to detract any thing from the just praise, which is certainly due to her. Her conduct in respect of the abolition is deserving of all commendation. We rejoice sincerely in the good she has already done, and we earnestly hope, that she will continue to apply all her powerful means to the attainment of this desirable object, until the entire abolition of the direct slave trade shall be effected. This trade had been sanctioned by long usage, and supported by cherished prejudices; it was connected with the gainful pursuits of wealthy and powerful individuals, and in point of revenue and commercial advantage, was an object of complacent regard, even to the government. Its entire abolition therefore, by the judicious and persevering exertions of a few men thoroughly engaged in the cause, strikingly illustrates the force of enlightened public opinion, and confirms the gratifying truth, that justice and humanity when wisely put in action must ultimately triumph over all the combinations of cupidity, prejudice, and habit.

But the subject of slavery is not new, and is not now for the first time brought before the American public. However men may differ, and very honestly differ with regard to minor views and details, we consider certain great and leading principles to be firmly and definitively settled, by the unanimous voice of all men who have taken the trouble to reflect upon the subject. Thus for instance we take it to be universally agreed that the direct trade in slaves, that the act of depriving a man of his liberty, transporting him from his native country, and selling him in perpetual bondage in a foreign country, is an unqualified act of injustice and cruelty; that it is immaterial to this purpose, whether the person thus deprived of his liberty and all his natural rights, is obtained by open force and violence, by bursting on the midnight security of the peaceful dwelling, and overpowering the helpless and unarmed family, or by fraud and cunning, by tampering with the avarice and stimulating the treachery, rapa-

city, and cruelty of barbarous petty chiefs. It is universally conceded that so long as white men, members of civilized communities, christians, will purchase slaves on the coast of Africa, so long the people of that unhappy country, without knowledge, or morals, or religion to enlighten and guide them, will make their fellow beings the subject of this nefarious traffic. It follows as a necessary consequence, that so long as such a traffic continues, the whole land whence it draws it supplies must be filled with violence and treachery; so long must simplicity, innocence, and peace, which are among the prominent virtues and highest blessings of uncivilized man be banished; and all hope of making any progress or even taking the first step towards civilization be frustrated. The slave trade therefore is now universally regarded, in its origin, progress, and consequences, as a continued series of crimes; and any attempts to palliate it, on the frivolous pretence of bettering the condition of those who are reduced to slavery, is a solemn trifling with reason and a pitiable abuse of language.

Domestic slavery, however, in communities where it has been long established, and where the number of slaves bears a considerable proportion to the number of free inhabitants, is entitled to a different consideration. Upon this point we mean to state our views explicitly, and we wish to be distinctly understood. We would not unnecessarily awaken the jealousies or alarm the fears of the proprietors of slaves, of those of our fellow-citizens, who inhabit states where slavery is still permitted. Exempted as we are from the great moral and political evil entailed on them, we regard their condition, more in sorrow than in anger. The question whether slavery shall continue in those states, or whether it shall in any way be modified or limited, we consider as exclusively a question of local jurisdiction belonging to those states respectively; and whatever may be our wishes and our hopes upon the subject, we expressly disclaim any legal or constitutional authority on the part of any other state or of the United States, to interfere in any arrangements respecting slavery, which those states respectively may think fit to adopt. We readily and cheerfully admit, and in making this admission we think we may include all those who on general grounds are opposed to slavery, that each state, where slavery is not expressly prohibited, has a perfect right to regulate this subject at its

pleasure. If this sentiment is universal, as we firmly believe it is, why should a manly and liberal discussion of the various delicate topics connected with the subject of slavery, be viewed with suspicion and jealousy. We feel no hostility, we utter no reproach. But we do feel an intense interest in the rights of humanity, in the secure and permanent establishment of the acknowledged principles of natural, civil, and religious liberty, in the honour and reputation of our common country, and more especially in the happiness of every member of the great federal family. So intimately are all the states of the national union connected, that the peace, strength, and glory of the whole, essentially depend upon the safety and prosperity of each.

Considering as we do, the original act of depriving a free person of his liberty and reducing him to slavery, under whatever pretence, except as a punishment for an offence of which he may have been convicted by a competent tribunal, absolutely and of itself unjustifiable and criminal, so as a general rule, we consider the act of holding such a person in slavery, to be a continuation of such criminality. No lapse of time, no continuance of abuse can convert wrong into right. No less is it unjustifiable in our view, to hold the innocent offspring of such slave in perpetual slavery. What is slavery? Usage and habit throw a sort of illusion about objects, and reconcile us to almost every species of perversion. Let us however make an effort to dispel this enchantment, let us pause and seriously ask ourselves what is necessarily the character and condition of a slave, what are his rights, his hopes, and his prospects. Can he regulate his own actions, can he pursue those occupations for which nature has fitted him, or to which genius or inclination may lead him? Can he enjoy the fruits of his own labour, can he provide for the wants of himself or his offspring? Is he not driven to severe and incessant labour by the terror of the whip? Is not his mind in a state of degradation and bondage, more deplorable even than that of his body? Is he not deprived of the means of cultivating his mental powers, of enlightening his understanding, of improving his affections? Is he not utterly incapable of raising his mind to the source of intelligence, his heart to the fountain of good, of acquiring the principles, learning the promises, practising the duties and enjoying the consolations of religion? Is he not cut off from the knowl-

edge and hopes of a future and more blessed state of existence, which crime and misery can never reach? Has he not before him the prospect of his offspring being destined to a condition as wretched and as hopeless as his own?

Without taking into consideration the incalculable evils which slavery inflicts on society, we may venture to pronounce upon this single view of the case, that it is utterly irreconcilable with any notion of natural justice, that one set of men may thus rob another of all the rights, and blessings of this life, and even of the knowledge and hopes of another. We think therefore we are justified by reason and conscience, in stating the general rule, that it is wrong for one set of men to hold another in slavery.

This rule however has its exceptions. Self-defence is the first law of nature, as well to communities as to individuals. In states where slavery has long continued and extensively prevailed, a sudden, violent, or general emancipation, would be productive of greater evils than the continuance of slavery. It would shake if not subvert the foundations of society. It would be at once the cause of misery to the slaves, and of ruin to the community. The principles of self-defence therefore, and powerful considerations of national safety, constituting a case of political and moral necessity, require at least the temporary continuance of this great evil. When a choice of evils is the only alternative, it is the part of duty as well as of wisdom to choose the least.

But let it not be forgotten, that a practice wrong itself, yet justified by necessity, must be limited by that necessity. We hold it therefore to be the duty of those who influence public opinion, and of those who exercise any authority in states where slavery exists, to do all in their power to ameliorate the condition, and limit and diminish the number of slaves, and to provide for their liberation as speedily and as extensively as the safety of their several states will admit.

These considerations rise in their importance when we add that the evils of slavery do not end with the wrongs and wretchedness of the unhappy subject. Society suffers, from slavery, a succession of evils, scarcely less than those it inflicts. And we take it now to be generally agreed by intelligent statesmen, that the honour and the practice of holding slaves, so far from being regarded as a privilege to be valued, is rather to be considered as an evil to be deplored. A state

whose laws and institutions recognise and habitually cherish a disregard to the fundamental principles of natural right and social duty, cannot be founded upon a safe and stable basis. It possesses within itself sources of corruption, weakness, and degeneracy, which must endanger its safety and finally accelerate its ruin. The employment of slaves has an obvious tendency to banish that steady, cheerful, and active industry, which is among the chief causes of national wealth and strength. It discourages the healthful pursuits of agriculture, the ingenious exercise of the mechanic arts, all those useful and active occupations, which give vigorous exercise to the body, salutary occupation to the mind, and which would ensure comfort, affluence, and independence to freemen.

We forbear to urge the contaminating influence of slavery, upon the mind and passions, both of master and slave. It is sufficient, in considering it with reference to the influence which it exerts upon the strength, glory, and happiness of a political community, to find that it is calculated at once to diminish immeasurably the number of those who have hearts to love, and of those who have arms to defend their country. We think therefore that we do not state the proposition too strongly, when we assert that the wisest statesmen, and the most sagacious politicians, in those of the United States, where slavery is established, are perfectly satisfied that it is a great evil in their institutions, and are sincerely desirous of correcting it. We shall not, of course, be accused of the extreme weakness of including in this description, those persons who derive a direct profit from the toils, and tears, and sufferings of slaves, and who are incapable of extending their minds beyond a mere profit and loss comparison, of so much cost and wear and tear of slave-flesh on the one side, and the value of so much sugar, and rice and cotton on the other. We speak of men of powerful and commanding minds, of long and comprehensive views. The declarations of many such men, full of experience upon the subject of slavery in all its bearings upon the interests of society, have been frank, and explicit. According to them, slavery is an evil of great magnitude to be endured only until it can be safely removed. To the sincerity of these declarations we yield our entire confidence. We should believe such men to be sincere, because we know them to be men of the highest integrity and observa-

tion of character. But our belief rests upon still stronger grounds. We are satisfied that no able and enlightened statesman, of sound principles and sober views of national interest, can reason upon the subject without coming to the same conclusion, without in fact being thoroughly convinced that sound maxims of political expediency concur with the stronger dictates of reason, humanity, and justice, in condemning the practice of slavery.

Deeply impressed with the importance of these considerations to the reputation and prosperity of the United States, and gratified with the belief that they are extensively, if not generally felt among leading men in the slave-holding states, we have marked with the liveliest interest the progress of various measures proposed and adopted, to affect the amelioration, and provide for the safe and gradual abolition of slavery. Many laws have been passed, both by Congress and the several states, tending to the same desirable end. Several states, where slavery partially prevailed, have provided by law for a gradual emancipation. We shall have occasion to consider hereafter, the several enactments of Congress on the subject. In addition to these, many voluntary associations have been formed, patronized and supported by individuals of the highest standing and influence, for the same honourable and useful purposes. It would be highly interesting to pursue the consideration of these measures, to discuss their extent, efficacy, and practicability, to consider whether any causes are now in operation, or any means may be devised, within the power of legislative bodies or of individuals, which will justify a reasonable hope that our country may ever be rescued from the dangers, and purified from the contamination of slavery. At present, however, we must waive this discussion, for the purpose of considering more particularly that branch of the general subject, which is brought before the public, in the very important publication of Mr. King, announced at the head of this article.

Of this work and the very momentous questions which it presents to the government and people of the United States, we shall now proceed to give some account. It is scarcely necessary for us to enlarge upon the profound talents, the long experience, and elevated character of Mr. King. Probably no man, still remaining in public life, is more thoroughly acquainted with the history, or has been more intimately

conversant with the policy of the national government, from its establishment to the present time. Having contributed essentially to the establishment of that government, he has participated largely in its administration. He has filled many of its highest offices, with equal honour to himself, and benefit to the union. It would be foreign from our prescribed course to disturb this inquiry, by stopping to consider the causes which have prevented his elevation to the highest. Upon a great and interesting question of national policy, we naturally and justly repose with confidence upon the judgment and experience of such a man, and we justly feel the conclusions drawn by our minds, from general reasonings, greatly strengthened by the support of so powerful an authority.

This pamphlet contains the substance of Mr. King's speeches in the Senate of the United States, at the last session of Congress, on the bill for erecting the territory of Missouri into a state, and admitting it into the Union. It does not profess to be a report of those speeches, or to pursue the order in which they were delivered; but contains a condensed view of the subject, embracing not merely the observations and remarks then made, but also Mr. King's 'present opinions on this important subject.'

The precise question which excited so warm and animated a debate in both houses of Congress and which has subsequently excited so high an interest in every part of the United States, was, whether the following provision should be embraced in the bill just mentioned;—'provided, that the *further* introduction of slavery or involuntary servitude, be prohibited, except for the punishment of crimes, whereof the party shall have been duly convicted; and that all the children born within the said state, after the admission thereof into the Union, shall be free at the age of twenty five years.'

A slight examination of this qualified restriction of slavery in the proposed new state, will show that it stands entirely free from some plausible objections, which might have been urged against it in other circumstances. The territory of Missouri, of vast extent, being a part of the province of Louisiana, acquired by purchase, composed no part of any one of the United States, at the time of their union, and therefore can in no degree be affected by any of the terms of the express or implied contract formed between them by that Union. It is also obvious to remark, that inasmuch as the clause in question was

intended to prevent only the *further* introduction of slavery, it could in no degree impair the rights of property in slaves, already vested in the inhabitants of that territory. Judging from the previous views and measures of the general government, in similar and analogous cases, it could hardly have been conjectured, that the result of a proposal of such a limited and qualified restriction would be doubtful. The proceedings of the last Congress upon the subject, however, are well known. The House of Representatives, after a short but animated debate, refused to pass the bill without the restriction; the Senate refused to pass the bill with it, consequently the bill itself was lost, and Missouri still continues under her former territorial government. Such, indeed, was the rapidity with which the several proceedings passed in the two houses of Congress, that it was scarcely known beyond its walls, that such a question was agitated, before it was decided. When, however, it came to be generally known, what principles had been advanced, what votes had been taken, with what ardor and vehemence the advocates of slavery had urged their demands, not merely upon the justice, the reason, and good sense of Congress, but upon their interests, their prejudices, and their fears, by how slender a majority a measure had been checked, which, in the estimation of many of the best friends of American liberty, would have been productive of incalculable and interminable mischiefs, it excited a feeling of universal surprise and alarm. Those who had hardly believed, that principles were in operation, and measures in contemplation and in progress, which would slowly and silently diminish, restrain, and remove the evils of slavery, suddenly felt as if they had escaped, and barely escaped, some great national calamity, which had threatened to overwhelm them, and that while they were altogether unconscious of its presence or its approach. They felt rejoiced, indeed, that they had for a time escaped it, and, although well aware that it might, and no doubt would again recur, it was some consolation to know that time would be gained, that they would have opportunity to estimate the nature and extent of their change, and to adopt such means as might be in their power to guard against it.

What reason, it may be asked, had any body to presume, that Congress would interpose its authority to prevent the further introduction of slavery into Missouri, and why should

any body be surprised, had they thought proper to establish the state of Missouri without any such prohibition? This question we shall endeavour to answer. Without urging the argument from general principles, which we have slightly touched in the former part of this article, we take it to have been the clear and undeviating course of policy of the national government, to prevent the increase of slavery, so far as it possessed the practical means and constitutional powers, that such has been the steady course of measures, from the first formation of the Union to the present time, and that a recurrence to its legislative measures will demonstrate the truth of this proposition.

Congress, indeed, have never attempted to interfere in the local arrangements of the several states upon this subject; they have been too sensible of their duty and the limits of their constitutional powers to make such an attempt. They have never claimed, nor have the strongest opponents of slavery ever claimed for them, any power upon this subject. The absence of all legislative measures of this kind, therefore, whilst it fails to shew that Congress have ever been inclined to encourage or extend slavery, ought, we think, to remove all reasonable ground of apprehension, on the part of the slave-holding states. But it may again be asked, if the exclusion of slavery be so vitally important to the well-being of civil society, why was this Union formed, why did the other states consent to it, without giving Congress powers on the subject? This question is satisfactorily answered by Mr. King.

'The question respecting slavery in the old thirteen states had been decided and settled before the adoption of the constitution, which grants no power to Congress to interfere with, or to change what had been so previously settled—the slave-states therefore are free to continue or abolish slavery.' p. 7.

Prior to the revolution, the several provinces had been entirely independent of each other, making their own laws and managing their own concerns, subject only to the sovereignty of the parent country. When this sovereignty was thrown off, it is obvious that the states were powers perfectly sovereign and independent, and as such were free to enter into partial compacts with each other, or with other powers, or to form a general confederacy, and to regulate the terms of such compacts in any which inclination or interest might dictate. Mutual assistance and common defence have been the great

objects of solicitude, and to secure them most effectually, a general confederacy, in which all should heartily join, was the obvious dictate of sound policy. *Join or die* was the maxim, of which all felt the force. In this state of things it would have certainly been unfriendly, and probably unavailing to have asked of any one state a relinquishment of so essential a portion of sovereignty. The articles of confederation were formed and agreed to, therefore, upon the basis of allowing to each state, exclusive jurisdiction of all its local concerns, and giving to Congress a general superintendence of the common interests. This satisfactorily accounts for the fact, that all the states were willing to enter into the confederation, for general defence and protection, without requiring of each other any relinquishment of local jurisdiction.

So far, however, as Congress have power on this subject, even before the adoption of the present constitution, they manifested an earnest desire, and adopted the most efficient measures to prevent the further spreading of so great an evil as slavery in the United States. Congress could not legislate for the several states, but as soon as the United States acquired exclusive jurisdiction over a portion of country, they seized the earliest opportunity to exclude slavery from their dominions. Having stated that Massachusetts, Connecticut, New York, and Virginia had ceded to the United States their respective claims to the territory lying north-west of the river Ohio, Mr. King proceeds to narrate the measures adopted by Congress for settling and governing it.

'This cession was made on the express condition, that the ceded territory should be sold for the common benefit of the United States; that it should be laid out into states, and that the states so laid out should form distinct republican states, and be admitted as members of the federal union, having the same rights of sovereignty, freedom, and independence as the other states. Of the four states which made this cession, two permitted and the other two prohibited slavery.

'The United States having in this manner become proprietors of the extensive territory north-west of the river Ohio, although the confederation contained no express provision upon the subject, Congress, the only representatives of the United States, assumed, as incident to their office, the power to dispose of this territory; and for this purpose, to divide the same into distinct states, to provide for the temporary government of the inhabitants thereof,

and for their ultimate admission as new states into the federal Union.

'The ordinance for these purposes, which was passed by Congress in 1787, contains certain articles, which are called "Articles of compact between the original states and the people and states within the said territory, for ever to remain unalterable unless by common consent." The sixth of those unalterable articles provides, "that there shall be neither slavery nor involuntary servitude in the said territory."

'The constitution of the United States supplies the defect that existed in the articles of confederation, and has vested Congress, as has been stated, with ample powers on this important subject. Accordingly the ordinance of 1787, passed by the old Congress, was ratified and confirmed by an act of the new Congress during their first session under the constitution.

'The state of Virginia, which ceded to the United States her claims to this territory, consented by her delegates in the old Congress to this ordinance—not only Virginia, but North Carolina, South Carolina, and Georgia, by the unanimous votes of their delegates in the old Congress, approved of the ordinance of 1787, by which slavery is for ever abolished in the territory north-west of the river Ohio. Without the votes of these states, the ordinance could not have passed; and there is no recollection of an opposition from any of these states to the act of confirmation, passed under the actual constitution. Slavery had long been established in these states—the evil was felt in their institutions, laws, and habits, and could not easily or at once be abolished. But these votes, so honourable to these states, satisfactorily demonstrate their unwillingness to permit the extension of slavery into the new states which might be admitted by Congress into the Union.

'The states of Ohio, Indiana, and Illinois, on the north-west of the river Ohio, have been admitted by Congress into the Union, on the condition and conformably to the article of compact, contained in the ordinance of 1787, and by which it is declared that thore shall be neither slavery nor involuntay servitude in any of the said states.' p. 8—10.

At the time when this ordinance was formed under the old confederation, and ratified immediately after the adoption of the constitution, the subject was not affected by any idea of compact, but the measure was adopted upon general considerations of fitness and expediency. So when the same territory came to be erected into states, Congress might, with the consent of the new states, respectively, have annulled the

prohibition. Parties competent to contract engagements may by mutual consent rescind them. The case then is a strong illustration of the views of the general government on the subject of slavery. The cases in which states have been admitted into the Union, without such prohibition, do not impair the authority of the cases of Ohio, Indiana, and Illinois. Vermont had adopted her constitution before being admitted; and that constitution excluded slavery, and the whole tenor of her laws, and character of her institutions formed an ample security against its introduction. All express prohibition therefore would have been nugatory. The case of Louisiana, when erected into a state, stands upon grounds somewhat different. The bounds of that state embrace New Orleans and the territory adjacent thereto, in which slavery had been permitted both by France and Spain from its first settlement, to the time of its cession to the United States, and in which the number of slaves nearly equalled the number of white inhabitants. It was therefore undoubtedly regarded as one of those cases of imperious necessity to which all other considerations must yield.

With regard to the other four states, all of which have been formed out of territory, formerly composing a part of the old thirteen states, the following statement of Mr. King is abundantly satisfactory.

'Kentucky was formed out of, and settled by Virginia, and the inhabitants of Kentucky equally with those of Virginia, by fair interpretation of the constitution, were exempt from all such interference of congress, as might disturb or impair the security of their property in slaves. The western territory of North Carolina and Georgia having been partially granted and settled under the authority of these states before the cession thereof to the United States, and these states being original parties to the constitution which recognises the existence of slavery, no measure restraining slavery could be applied by congress to this territory. But to remove all doubt on this head, it was made a condition of the cession of this territory to the United States, that the ordinance of 1787, except the sixth article thereof, respecting slavery, should be applied to the same; and that the sixth article should not be so applied. Accordingly the states of Tennessee, Mississippi, and Alabama, comprehending the territory ceded to the United States by North Carolina and Georgia, have been admitted as new states into the Union, without a provision, by which slavery shall be excluded from the same.' pp. 10, 11.

With regard therefore to the cases of Tennessee, Mississippi, and Alabama, the faith of Congress was expressly pledged not to insist on the prohibition of slavery, by the condition of the grants of North Carolina and Georgia. This condition, while it is binding on Congress, and should unquestionably be executed in perfect good faith, shews manifestly the sense which those states entertained of the disposition and views of the general government. One other remark occurs to us upon all these cases, including that of Kentucky, which will entirely justify the proceedings of Congress, without imputing to it any design to encourage or tolerate the extension of slavery. The constitution of the United States having expressly provided that no new state shall be formed out of territory composing part of another state, without the express consent of the latter, it will always be in the power of the old state to annex to its consent, a condition that slavery shall not be prohibited. When such a case presents itself, it is undoubtedly a question of expediency with Congress, whether a new state shall be admitted, on such condition. Should they refuse however, no substantial acquisition is gained to the cause of liberty, humanity, and safety, because the whole territory of such state being already subjected to the evil of slavery, the evil would be the same, whether the whole should continue to compose one state, or be divided into several.

The statement of this course of measures, with regard to the admission of new states into the Union, shews the strong disposition and steady determination of Congress to prevent, by all the means in their power, the further extension of the great evil of slavery.

But the proof of this point does not stop here. The constitution provides, art. 1. § 9, 'the migration or importation of such persons as any of the states now existing, shall think proper to admit, shall not be prohibited by the Congress, prior to the year 1808.' The introduction of this prohibitory clause into the constitution, strikingly manifests the views, which the convention entertained with regard to the general dispositions and probable course of measures of the United States. Congress is authorised by that instrument to regulate foreign commerce, and commerce among the several states. It was therefore at once perceived that Congress would have the power to prohibit the importation of slaves

from abroad, and also the traffic in slaves between the several states. That they would have a disposition to exercise it, at least with regard to the importation, nobody could doubt. The nefarious traffic to the coast of Africa, involving innumerable crimes of murder and kidnapping, the indiscribable horrors of the middle passage, the wanton waste of life, and contempt of natural rights, which attended every step of its progress, was universally regarded in the United States, with utter detestation. The ordinance of 1787 had already been passed by the old Congress prohibiting slavery within their own domains, all had joined in the declaration of Independence, and most of the states had adopted separate constitutions, by which they had solemnly pledged themselves to the support of the true principles of natural rights and civil liberty. The views of Congress therefore, under the new constitution could not be doubtful. Hence, those who determined to share a little longer in the profits of this odious traffic, insisted on an indulgence for twenty years; and as the other states had no means of compelling them to assent to the adoption of the constitution upon better terms, they reluctantly yielded their consent to this condition. Congress adhered to this condition with good faith. But they faithfully executed all the powers placed in their hands by the constitution. They early passed laws to prohibit the citizens of the United States from engaging or sharing in the slave-trade from one foreign place to another, and seized the first opportunity allowed them by the constitution to prohibit the importation of slaves into the United States, by enacting laws for that purpose to take effect on the 1st of January 1808. Various regulations have been made to meet and prevent all the subsidiary arts, which might promote or further the slave-trade, and the whole have been enforced by severe, we wish we could add effectual penalties.

The United States therefore, have not, as yet, been chargeable with the crime and disgrace of having willingly encouraged or countenanced the extension of slavery. On the contrary, this review of their measures will justify us in the assertion that hitherto the United States have maintained a steady and uniform course of policy adverse to the extension of slavery. And it was as little to be expected on the occasion of passing the Missouri Bill, that Congress would forego so favourable an opportunity to prevent the further introduction of slavery.

as it would have been, that they should have suddenly passed a bill at the close of the session, to repeal the prohibition of the slave-trade.

Can any reasons, we will not say solid or satisfactory reasons, but can any plausible reasons be assigned, why Congress should now depart from a settled course of measures, which they have hitherto thought wise and expedient, founded in the principles of justice, supported by considerations of political expediency, and best adapted to secure the safety and promote the happiness of their constituents, and of the unborn millions for whom they are legislating? We confess we can discover none. On the contrary, it appears manifest to us, that all the conclusions drawn from general reasonings, apply with increased force to the case of Missouri. It is immaterial for the purposes of this inquiry, what are the precise limits assigned to the proposed state. It is perfectly certain that the decision of this question in the case of Missouri, is a decision of the question with regard to all the states which may be erected in the vast regions west of the Mississippi. No possible reason can be imagined applicable to this case, which would not equally apply to them. It tasks the imagination to conceive of the numbers which this extensive territory, equal to the whole of the United States, is capable of supporting, when fully peopled and cultivated. That it will be fully peopled, at no very distant period of time is certain. The laws of population and the progress of settlement are as operative and immutable, as the laws of nature and the progress of the heavenly bodies. It is an appalling consideration therefore, to those who are called on to decide this question, that upon their decision will be fixed, immutably fixed, the destinies of innumerable millions of human beings, in all coming time. We do not say that considerations of this nature should alter and change the judgments of men; but we think that they should lead them to pause upon their decisions, to retrace and re-examine the grounds of their conclusions, to be well assured of the soundness and justice of their views, to take counsel of their hearts, to be quite certain that they are not swayed by passion, influenced by interest, or blinded by prejudice, and then to give such a decision as they can justify to themselves at the hour, when conscience shall sit in judgment on their lives. Seldom indeed was a legislative body ever called on to act upon so impor-

tant a question. Laws ordinarily affect only small numbers of persons, and interests of minor importance, and operate within comparatively narrow limits. This is to operate on a vast extent of country, to affect the condition of millions, and to determine whether they shall enjoy the most essential rights, which their creator has bestowed on them, or be doomed to perpetual slavery. Ordinarily, if laws are found to be useless or pernicious, they may be amended or repealed; this will be a fundamental law, which when once made cannot be altered. On a question of such magnitude, we should think all men would act correctly, who act intelligently, and when so great an amount of happiness or misery is depending, we must believe that reason and conscience will triumph over all the pleadings of self-interest.

Let us then take a short comparative view of the future situation of these new states, with and without slavery. In the one case, we behold a large, industrious, and happy people, cultivating their own soil, with their own hands, gathering the fruits of their industry, secure in the possession of their property and liberty, enjoying the means and institutions of education, blessed with all the useful and liberal arts, exercising their political rights with freedom and intelligence, cultivating sound learning, good morals and pure religion, devotedly attached to the government from which they derive their protection, and ready to shed their best blood for the defence of their country, whenever it may need their aid. In the other, we see the same country cultivated and peopled indeed, but by two distinct races of men, differing as widely in character and condition as in color. None of the useful labours of society are performed with skill, dispatch, or cheerfulness, because freemen regard labour as disgraceful, and slaves shrink from it as an intolerable burthen. Slaves, from the very necessity of their condition, from the natural operation of the laws of the human mind, of which physical force may control the condition, but cannot change the nature, can feel no sympathy with the society, in the prosperity of which they are forbidden to participate, and no attachment to a government, at whose hands they receive nothing but injustice.

There must necessarily be a perpetual struggle for deliverance on the one side, and constant apprehensions of violence on the other. What renders this state of things the more

wretched and deplorable is, that the great body of labourers of all descriptions being of the class of slaves, the real and actual physical force of the community, is in the hands of those who are ever seeking occasions to use it for the purpose of insurrection. It is easy to perceive that in such a state of society, there must be a great amount of misery and discontent, in the class of slaves, and little of security, contentment, and peace in the more favoured ranks of freemen.

What is the object of admitting new states into the Union? Not surely the mere increase of numbers, without regard to character and quality. Is it not to extend the principles of free government, to multiply the number of free, contented, and happy citizens, ardently and justly attached to their country, and able and willing to defend it? Is it not in short to extend and increase that national strength, on which we all depend for the security and protection of our rights.

The question then recurs, are these objects promoted by admitting these states into the Union, with the permission to people their territories with slaves? To the question with regard to the relative prospect of happiness we shall not recur. But the question, so far as it respects the moral, political, and military strength and security of these remote and numerous states, is one of great interest and magnitude, not only to the states themselves, but to the Union, into which they claim to be admitted with equal rights and privileges. When admitted, it is manifest that they will have a just right to claim of the national government, protection, not only from insurrection, but from the invasion of all foreign powers. These states must always be far removed from the centre and source of national power, surrounded by Indian nations and tribes of which we hardly know the names, the numbers, or the character, and contiguous to the only great foreign powers, with whom we can come into territorial contact, or with whom we may justly fear hostilities; we mean Great Britain, Spain, perhaps Russia. If these states are covered with a hardy, bold and enlightened race of men, having an interest in the soil, capable of bearing arms, and with whom arms may be safely entrusted, a very little aid from the national government will enable them successfully to defend themselves. If on the contrary, they are filled with discontented slaves, always thirsting for liberation, and eager for revenge, always ready to join the standard of a hostile invader, or to

follow the fortunes of a desperate leader on the first signal of danger from within or without, the whole force of the country, which may be depended on, is not only paralized, but overwhelmed. Much time must elapse before sufficient aid can be afforded, and the country if defended at all, must be defended at an enormous and ruinous expense of lives and of treasure. Is it then proper, is it reasonable or just, that the people inhabiting these territories, should now clamorously demand an admission into the Union, a participation in all the rights and privileges of the Union, a share even in the national treasury, without placing themselves in a condition, in which alone they will be safe and useful members of that Union, in which alone they can add strength and security to an exposed and remote frontier. Can it be equitable, is it consistent with the plain rules of fair dealing, to require the United States to enter into a perpetual compact in which all the benefit is on one side, and all the burthens upon the other.

We have no occasion to resort to distant times or remote countries, to learn the weakness and misery, the distracted and hopeless condition of a society composed of separate casts and mixed colors, among the members of which there is no feeling of sympathy, no bond of union, no community of interest and affection. We need only allude to the present state of the Spanish provinces, to place the subject in the strongest point of view. More sanguinary acts than those which have desolated many of those fine countries, for the last ten years, never disgraced humanity. And yet probably more blood has been shed and more devastation been caused by the mutual and bitter contests of rival parties, than by direct hostilities between them and the parent country. Sanguine persons among us likening their contest to our own, have been hoping and expecting year after year, that stable and efficient governments would soon be established to support their independence, ensure freedom, and maintain order and tranquility. These hopes have been as constantly disappointed. Faction has succeeded to faction, each as boisterous, as sanguinary, and as transient, as the one which preceded it. The principal cause, it appears to us, may be clearly traced to the marked distinction of ranks and colours. Europeans, Creoles, Indians, and Negroes, have been led by the policy of governments, and the circumstances of their condition to regard each other with jealousy and aversion.

Among the individuals of a society thus composed, no feeling of respect, no permanent union of strength for common defence and support can exist. Though necessarily brought continually into contact, they cannot coalesce. They are separated by impassible barriers, by mutual and long cherished feelings of contempt, detestation, and revenge. If harmony and strength are desirable objects in the formation of new and extensive states, reason and example concur in believing, that they must be formed by a free and unmingled race of men.

If Missouri, and other states beyond the Mississippi are admitted into the Union, without the proposed restriction, a new and extensive market will be opened, affording an encouragement to the foreign slave-trade, with all its train of abuses, which no laws however severe, no administration however vigilant, can counteract. The clandestine trade is well known to be infinitely more cruel and barbarous, than that allowed by law. The latter may be in some measure softened and qualified. But the unprincipled and desperate smuggler, violating at the same time the laws of his country and of his conscience, is governed by no consideration but that of gain. The most obvious and effectual mode of breaking up the trade, is to cut off the demand for slaves. If this vast and remote country is once opened for their admission, it requires no extraordinary foresight to perceive, that the numberless ports, inlets, and *bayous* of Louisiana and the gulf of Mexico, unsettled and unfrequented, will afford admission and shelter to the smugglers of slaves; and which may thence be transported to the promised land, without danger or interruption.

Respecting the duty, the importance, and the difficulty of breaking up the present clandestine trade, we regret that our limits will permit us to cite but a single passage from the eloquent and impressive charge of Judge Story. We earnestly recommend the whole of this able and well timed production to the attention of our readers, as a faithful delineation of the horrors of the slave-trade, and a clear exposition of our duty as men, as citizens, and as christians, to oppose and destroy it.

Having given an abstract of the numerous laws of the United States intended to punish and prevent the slave-trade and every branch and portion of it, the Hon. Judge proceeds, thus,

'Under such circumstances it might well be supposed that the slave-trade would in practice be extinguished;—that virtuous men would by their abhorrence stay its polluted march, and wicked men would be overawed by its potent punishment. But unfortunately the case is far otherwise. We have but too many melancholy proofs from unquestionable sources, that it is still carried on with all the implacable ferocity and insatiable rapacity of former times. Avarice has grown more subtle in its evasions; and watches and seizes its prey with an appetite quickened rather than suppressed by its guilty vigils. American citizens are steeped up to their very mouths (I scarcely use too bold a figure) in this stream of iniquity. They throng to the coasts of Africa under the stained flags of Spain and Portugal, sometimes selling abroad "their cargoes of despair," and sometimes bringing them into some of our southern ports, and there, under the forms of the law, defeating the purposes of the law itself, and legalizing their inhuman but profitable adventures.' p. 5.

There is another series of considerations of momentous weight in this question. The constitution permits three-fifths of the slaves to be counted in ascertaining the numbers by which representatives are to be apportioned and taxes assessed. The argument against the admission of slavery in the new states, arising from this rule, is fully displayed by Mr. King; and the historical details connected with it, shewing the probable grounds upon which the rule itself was founded, are among the most valuable portions of Mr. King's pamphlet. By this rule, a disproportionate power is granted to the states possessing slaves. Although, if the state of our internal taxation for the time to come is to resemble its state for the time past, the history of contracts could probably furnish no example of a privilege so weighty ceded for a consideration so nugatory, still this power is secured by the constitution, and the other states have no disposition to abridge it. 'But,' says Mr. King, 'the extension of this disproportionate power to the new states would be unjust and odious.' Upon this point, and indeed upon every essential point, all the old states, it appears to us have a common interest. If the increase of power to Virginia, for instance, arising from the partial enumeration of slaves, is to be regarded as a privilege, is not that privilege proportionably diminished by extending it to new states? If Missouri is to become a burthen upon the Union must not Virginia bear her proportion of it? We cannot sufficiently

lament that in the proceedings in Congress, this point was so hastily overlooked. We lament it, because we think this omission gave the subject an aspect which it ought not to wear, and seemed to make it a question between states, allowing and prohibiting slavery respectively. We fear that gentlemen coming from states where slavery is allowed, permitted their jealousies to get the start of their judgment; and that they concluded, without sufficient ground, that an attempt to prohibit the introduction of slavery, into the new states, was an encroachment on *their* rights. We are firmly persuaded, however, that a free and impartial view of the subject will show that such apprehensions were unfounded, that the question is not one of local interest, and therefore ought not to awaken local jealousies.

It was our intention, if our limits would permit, to have examined at some length a few of the objections, urged against the proposed restriction. One is, that the evils of slavery will be diminished by enlarging the sphere of its operation. This suggestion, we think, must have occurred in the heat of debate, and been thrown out with little examination. It reminds us of the original justification of the slave trade, on the ground that the condition of the negro is *bettered* by being transferred from a heathen land of liberty to a christian land of slavery. Another is, that though slaves may be dispersed, their numbers will not thereby be increased.—The adaptation of the supply to the demand; the necessary increase of population, black or white, it matters not, in proportion to the increase of the means of subsistence, though axioms in political economy as unquestionable as those of the mathematics, appear to have been wholly overlooked by some of the advocates of the unlimited extension of slavery.

A more serious objection is supposed to arise from the terms of the treaty between France and the United States, by which the province of Louisiana was ceded. If the United States have bound themselves by any stipulations upon this subject, however unwise, let them perform their engagements with good faith. But we are quite certain that the stipulation in question will bear no such construction. This article provides,

"That the inhabitants of the territory shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the en-

joyment of all rights, advantages, and immunities of citizens of the United States; and in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."' p. 14.

All contracts should be construed according to the meaning and intent of the parties; and this rule is peculiarly applicable to treaties, which embrace great interests, and which are not usually drawn with literal and technical precision. In ascertaining the intent and meaning, and consequently the true construction of a compact, it is of importance to consider who are the parties, and what are the objects of such contract. The parties were France and the United States, and the article is an engagement of the latter to the former, in favour of the 'inhabitants' of the ceded territory. By necessary construction, if not literal interpretation, this comprehends those persons only, who were inhabitants at the time of the cession. It is idle to suppose that France would make stipulations in favour of the soil, the naked and unsettled territory; and equally so, that she would have any interest, or feel any solicitude respecting the future inhabitants, who should be placed there at the will, and under the authority of the United States. But the existing inhabitants were her subjects. To them she owed the duty of protection in the enjoyment of their liberty, property, and religion, a duty, from the discharge of which she was about to withdraw herself. It was therefore just and proper to require the United States, who were about to succeed her in the rights of sovereignty, to discharge the same duty. Supposing slaves to be intended under the general term, property, and supposing any of those inhabitants still to remain, and to hold slaves, the proposed restriction will not affect them, and therefore will not be repugnant to the treaty. But it may be said that the right to acquire slaves is intended by the treaty, either as a right of property, or as one of the rights of citizens of the United States. We utterly deny that a right to acquire slaves, as distinguished from a right of property in slaves already vested, is embraced under any general notion of rights of property or civil rights. Still less can a right to acquire slaves be recognized as a right of citizens of the United States. It is a privilege created or power allowed by local laws in particular states, and cannot extend beyond them. It is manifest that the constitution and laws

of the United States grant no such right. This is proved beyond doubt by the acts establishing the states north-west of the Ohio. It was stipulated by the express condition of the grant of that territory, 'that it should be formed into states, and be admitted into the Union, with the same rights of freedom, sovereignty, and independence, as the other states.' They were so admitted conformably to this stipulation, yet on the express condition that slavery should be excluded. Nobody suggested that the stipulation had not been complied with, on the part of the United States, in good faith. It is clear, therefore, that in the estimation of Congress, the prohibition of slavery in a state, or a provision, by which the power of acquiring slaves is annulled, is no breach of a compact stipulating that such state shall be maintained in the full enjoyment of its civil and political rights, and consequently, that the power of acquiring slaves is not recognized as a civil or political right. Shall a compact with France, afterwards made by the same government, have a different construction?

All compacts and treaties are to be carried into effect, agreeably to the meaning and intent of both parties. Let it be remembered that the executive, who negotiated and the Senate, who ratified the treaty of Louisiana, had already concurred in an act, by which a construction had been put upon an engagement somewhat similar, in case of their own citizens. It is quite certain that neither the Executive nor Senate could have supposed that by the treaty in question, any such obligation could have been intended on their part as that now contended for. It would have manifested a disposition on the part of a foreign power, and perhaps have given them a right, to interfere in the internal concerns and arrangements of the United States in regard to their own territory and their own citizens, which would have been repelled with indignation. But the article in question, whether we consider the particular terms or the obvious design of it, will admit no such construction; and any attempt to force the proposed construction upon it, is an attempt to pervert it to a purpose, which was never in the contemplation of the parties.

Still, however, if Congress has no constitutional power to restrain the further introduction of slavery into the new states, in the mode proposed, much and deeply as we deplore the evils of slavery, and earnestly as we have hoped that the present occasion might be taken to stop the further extension

of it, and confidently as we believe that the prohibition of slavery would contribute to the stability and prosperity of the states themselves, and to the lasting strength and happiness of the Union, we are free to acknowledge that it ought not be done. We acknowledge, and we rejoice that the government of the United States is a government of limited and enumerated powers, and that any attempt to exceed those powers would be a dangerous encroachment on the rights of the states and the liberties of the people. We have no disposition, therefore, to urge Congress to take a single step beyond the clear and well defined limits of constitutional authority. But we think that they would depart as widely from the direct path of their duty, by relinquishing or failing to execute the great powers entrusted to them, for the benefit of the whole people, for the common defence and general welfare, as they would by exceeding those powers. It is therefore quite as essential to ascertain the full extent, as it is to prescribe the exact limits of those powers.

We are satisfied that an examination of the constitution, will lead to a firm conviction that the power in question is clear ly within the limits of constitutional authority.

Without relying upon the provision, authorizing Congress 'to make all needful rules and regulations respecting the territory or other property of the United States;' without laying great stress upon the authority given Congress to prevent the 'migration' as well as the importation of slaves, after the year 1808; the following clauses in the constitution, contain a plain, express, and unqualified grant of power for this purpose,—'New states may be admitted by Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of Congress.'—'The Congress shall have power to make all laws which shall be necessary and proper, for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.'

The only limitation of the power of Congress, in the admission of new states, is that intended to prevent the existing jurisdiction of states from being impaired, without their consent. In all other respects the power is large and unqualified,

made so no doubt with design, and with great fitness and propriety, because it was impossible for the constitution to foresee and provide for all the peculiar circumstances of each case which would require consideration; these therefore have been very properly entrusted to Congress.

The admission of a new state into the Union is, in effect, the formation of a new union, of a new political relation, of great importance, interest, and delicacy to both parties. The new state is admitted to a full participation in all the immunities and privileges of the Union, a voice in its legislation and government, an equal share in the lands, revenues, treasury, and public property of every description. The United States take upon themselves the duty of supporting and maintaining them in the enjoyment of these privileges, of affording them protection against insurrection and invasion, of establishing military defences and post-offices, of extending to them the administration of the federal judiciary, of performing to them all the duties, for which the general government was established over the old states. It never could be imagined that a new political relation would be created, out of which so many essential rights, duties, and obligations would arise, without some terms, conditions, and limitations, which would render such relation safe and beneficial for both parties.

What then must be understood by the power of Congress to admit new states into the Union? Not surely the mere ministerial act of receiving and registering the constitution of any collection of people, of whatever character, colour, or condition, who may happen to border on the United States, or be embraced within its territorial limits by conquest or purchase. Should any collection of persons, amounting to thirty-five or forty thousand, happen to take a fancy to establish themselves at the Falls of the Missouri, the foot of the Rocky mountains, or the banks of the Columbia river, or the shores of the Pacific ocean, nobody, we imagine, would contend that such persons would have a right to demand admission into the Union as a state, without terms, or on their own terms. Congress must exercise its discretion and pass its judgment on all circumstances relative to the fitness and expediency of admitting a new state, and determine on the whole, whether such proposed state is likely to be a useful member of the Union. The extent of its boundaries, its local position, its language, institutions, political character and condition, are

all to be weighed and considered. The increase of national strength and harmony are the great objects in admitting new states, and Congress would ill discharge the duties and execute the powers entrusted to them by the constitution, if they did not effectually provide for the security of these objects. Congress *may* admit new states, they may and must deliberate and decide the general question, whether such state shall be admitted; and the power of deliberating and deciding on this question necessarily embraces the power of deciding it either way, and of course they may refuse as well as agree to admit.

The admission of a new state may be regarded either as a compact or as a grant. It is strictly and properly a compact, an agreement between parties capable of contracting, who know their respective rights, and who are free to enter into such compact or not, as their respective inclinations or interests may dictate. Either party may propose any reasonable stipulation, which it may think necessary to its interest and security, to which the other may, or may not assent; but if the other party chooses to assent, such provision becomes binding and obligatory, deriving its force, like all contracts, from the mutual consent and agreement of the parties. It is urged that a stipulation like that in question, will diminish and impair the sovereign powers of the new state. But we cannot perceive the force of this reasoning. May not any power, capable of contracting, enter into contracts which are binding and obligatory, and which, to the extent of such obligation, restrain and control them? If such contracting party happens to be a sovereign and independent power, do such obligation and restraint destroy or impair its sovereignty and independence? Does any body imagine that France and Spain are less sovereign and independent, because they have entered into compacts and treaties by which they and their subjects are restrained from carrying on the slave trade within certain limits.

Besides, the introduction of the term *sovereignty* is altogether gratuitous and unauthorized, and serves only to embarrass instead of throwing light on the question. It is not intended that a new state is to be sovereign and independent, in any other sense, than that in which the other states are so. To a certain extent, and with regard to certain objects they are sovereign, and in others they are controlled by the

powers of the general government. The constitution merely authorizes Congress to admit new *states* without qualification. Those therefore who deny the constitutional power of Congress in the case in question, are driven to the necessity of maintaining that the word *state*, by force of the term, embraces the power of introducing and continuing slavery, and that if Missouri when admitted into the Union is prohibited from the exercise of this power, even by her own act, and with her own consent she may be a government, a dependency, a political community, but cannot be a *state*. Those who argue so strongly against the danger of implied powers, are compelled to maintain, that the word state implies sovereignty, that sovereignty implies the power of permitting slavery without limit of time or place, and that those states, who are restained from the exercise of this power by their respective acts of admission on their own constitutions, *are not states* within the meaning of the constitution. Against such absurdities it is hardly possible seriously to contend.

We will add but a single remark, upon this point of sovereignty. If there is any one power more peculiarly than any other an incident of sovereignty, it is that of imposing taxes upon the persons and property within its jurisdiction. Yet Congress have in many if not all instances, inserted in the acts admitting new states, prohibitions against taxing the lands of non-residents at higher rates than those of their own citizens. Similar provisions were certainly introduced in the act of Massachusetts, assenting to the separation of Maine, and must be adopted by Congress if that state is established. Yet in former instances, when such power of taxing has been restrained, no person ever questioned the power of Congress; and we hope no one will question the sovereignty of the state of Maine upon similar grounds. It may perhaps place the subject in a little stronger light to consider it as a grant. The act of admitting a new state into the Union, is a grant on the part of the United States, to the people of such new state, of very important powers and privileges, and even of valuable rights of property. The United States having a perfect right to make or withhold such grant, may make it upon any reasonable condition not inconsistent with the grant itself. The grant is that of the power and privilege of forming and becoming a state; and a prohibition of the further introduction of slavery is not

inconsistent with such grant, unless it can be shewn that under such prohibition it is impossible for the people of Missouri to form and become a state. When made, it will be optional with the people of Missouri to accept or refuse. If they refuse it, the grant is of no effect, and the people still remain under their territorial government; in which case, the power of Congress is unquestionable. If they accept it, they take it subject to the condition and must be bound by it.

In every point of view in which we have been able to view the subject, we think the constitutional authority of Congress placed beyond all doubt. The power of assenting absolutely, necessarily implies that of assenting conditionally. The power to enter into a compact, embraces the power of making any terms, stipulations, and conditions, consistent with the general object of such compact. The power of granting without restraint or limitation, necessarily comprehends the lesser power of granting the same thing with limitations. We think therefore, that we are completely justified in the position we have taken, that these two clauses in the constitution providing that Congress *may* admit new states into the Union, and authorizing them to make all laws necessary and proper for carrying into effect the powers vested in the general government, contain a plain, adequate, and direct investment of Congress with the powers proposed to be exercised in the case of Missouri.

We cannot take our leave of the pamphlet of Mr. King, especially at a time when the important question considered in it is again before Congress, without expressing our profound and sincere regret that the seat in the Senate, which he has so long and so honourably filled, is now vacant. We can hardly think that the people of the powerful and enlightened state of New York will feel insensible to the honour of being represented by so accomplished a statesman. We have no disposition to interfere improperly in the concerns of any other state; but we hope the people of New York will pardon us when they consider, that every state in the Union has an interest in the talents and services of an eminent and experienced senator. The Senate of the United States is a body of great power, dignity, and importance, in which great talents are proportionably useful and conspicuous. We therefore earnestly hope that the legislature of New York, when the subject again comes before them, will magnanimously

relinquish all local attachments and resentments, connected with state politics, and with a single view to the general good, again place Mr. King in a situation where he is so eminently fitted to do honour to his own state, and promote the best interest of the Union. Meantime it is perhaps necessary to correct ourselves, while we say, that the important question which we have been treating is again before Congress. Before the pages shall appear in public in which we have taken the liberty to enter our humble and as we trust, dispassionate protest against the extension of slavery over the continent of America, the sentence will perhaps have been passed, and the fate of millions of fellow men, it may be the future fortunes of this great republic will have been decided. When we think of these momentous consequences, we feel a solemnity of mind, before which all party questions, all the sophistry which lively talents can enlist in any cause, sink into the dust: and if it be not too late we would even now most earnestly implore heaven to send that same solemnity into the minds of all, whose voices are to settle this mighty question. It is with the most unaffected earnestness that we declare our opinion, that the day on which the Missouri question is decided in Congress, will be the most eventful day in our history.

ART. IX.—*A memoir on the Commerce and Navigation of the Black Sea, and the trade and maritime geography of Turkey and Egypt, in two volumes, illustrated with charts. By Henry A. S. Dearborn.* Boston, Wells & Lilly, 1819.

IT is not easy to present in a few pages, any satisfactory view of the numerous and diverse subjects comprehended in Mr. Dearborn's work. To attempt a formal analysis of the whole, would be little more than making out a catalogue of names. We shall not, therefore, follow him through his wide range of geographical and historical inquiries, to ascertain whether he has correctly stated the dimensions of islands, size of towns, names of ancient monuments, and records of celebrated events, or given true descriptions of national manners and character. All these topics are introduced as auxiliary to the main subject, viz. the trade of the Levant and the Euxine, and to this we shall mostly direct our attention.

Mr. Dearborn informs us in the preface, that his curiosity in regard to this commerce, was awakened by a conversation some ten years ago, with Commodore Bainbridge, who, having been sent by our government in 1800, as commander of the frigate George Washington, with the annual tribute we then paid the Dey of Algiers, was required by the Dey to carry his ambassador, and the tribute which he in his turn paid, to Constantinople. To this the commodore consented, as his refusal would have been followed by the capture of the George Washington, then lying under the batteries of Algiers, the consequent slavery of his officers and crew, and the loss of a great part of our merchant vessels, that were then securely navigating the Mediterranean. In submitting to this order, the officers of the ship could not but feel their national pride offended, and for once experienced the resentment, and sense of indignity to which a subject of the Turkish government must often be provoked. But in respect to our government and nation, it was a matter of no great importance, for all the governments of the civilized world, at that time, permitted the states of Barbary to insult them more or less, justly judging that in dealing with a nation, toward whom no point of honour was felt, the only questions to be asked were, what policy is cheapest and safest, and will not the cause of humanity suffer more in the course of a war, with a barbarous and merciless foe, than it can possibly gain by the successful event of such war. It is true the great maritime powers have for some time past pursued with perfect success a very different policy; but the falling in with the old policy while it prevailed, certainly reflected nothing but credit on Commodore Bainbridge's prudence. As we, among many, paid tribute to the Dey of Algiers, the conveying his ambassador to Constantinople was, at the worst, but an additional act of submission, or rather it was a compliance on our part with the policy or negligent magnanimity, which then and long before governed the conduct of the powerful kingdoms of Europe towards the African pirates.

On the arrival of our frigate at Constantinople, it excited great curiosity in the officers of the Porte, who inquired to what nation the vessel belonged. On being told that it was a vessel belonging to the United States, they professed never to have heard of any such country, and asked if it was not the same they had heard of under the name of the *New World*,

and being informed that it was, they appeared to be very much gratified with the visit. The Capudan Pacha, whose barbarous title, half Italian and half Turkish, is synonymous to chief admiral, took the George Washington under his special protection, treated Capt. Bainbridge with much civility, and expressed to him the desire of the Grand Seignor, that we should send an ambassador to Constantinople, and open a commercial intercourse with Turkey. It was the intention of our government to send Mr. William Smith, then our minister in Portugal, as ambassador to the Porte. But the convulsed state of Europe, Mr. Dearborn says, prevented the execution of this design.

In 1810 two vessels from Salem, one from Boston, and another from Baltimore, entered the port of Constantinople. Two of them were destined for Odessa, the principal Russian port on the Black Sea, but were compelled to unlade at Constantinople and pay double duties on their cargoes, and through the influence of Mr. Adair, the British ambassador, were refused permission to proceed on their voyage. An order of the Turkish government was immediately issued, that no more American vessels should pass the Dardanelles. Mr. Charles W. Greene, supercargo of one of these vessels, the Calumet of Boston, had the address to obtain permission to proceed on his voyage; Mr. Adair again interposing, the order was countermanded, with a capriciousness characteristic of the Turkish, as of all barbarous despotisms; the Calumet, however, had already departed, and she finally arrived at Odessa. The result of these experiments was such as to prevent their repetition. Such is the history of our trade to the Black Sea.

In regard to an embassy, Mr. Dearborn remarks, that 'a diplomatic mission to the Ottoman Porte would not now be regarded with jealousy or excite animosity' on the part of European sovereigns. We think he gives those sovereigns too much credit for a liberal disposition. We have it from the highest authority, that a proposal was not long since made to the Turkish government, by the Russian minister at Constantinople, that an ambassador from the United States to the Sublime Porte should be received, and that the navigation of the Black Sea should be granted to the Americans. This proposal, though made under the mediation of that power which the Turks perhaps most fear, was rejected. Now

when we consider that the Turkish government has always expressed a strong desire for commercial and diplomatic relations with the United States; when we call to mind that it is a notorious trait in the character of the Turkish government to encourage missions to its residence, considering them as so many testimonies from foreign nations, to the supremacy of the Sublime Porte; when we add that there is no possible interest opposed to a commercial and friendly connexion between Turkey and America, on the side of either party, and when we finally recal the unfriendly interference of Mr. Adair in the affairs of the American vessels mentioned above, we feel not the least doubt that the proposal of the Russian minister was rejected under the influence of the British embassy. We do not mention these facts as particularly creditable to Russia, or unbecoming in England. It is the interest of Russia to bring customers to Odessa; it is the interest of England to engross that market of produce, and to supply that market of demand herself. There is no friendship in trade and no magnanimity between nations. We have been informed also, that there has lately been at Constantinople, a gentleman, professing to have some commission from our government, but of the character of this commission, or the fact whether there were any, we are not well assured. This is all we have been able to learn of our present political relations with Turkey, and the prospects of our trade within the Dardanelles.

The principal ports beyond the Dardanelles are Constantinople, at the entrance of the Black Sea, Odessa, on the western shore, and Tayannog, at the north eastern extremity, in the sea of Azof. The situation of Sinope, about midway of the southern coast, with a fertile territory in the interiour, and an easy communication with Persia, seems to point it out as a place of extensive business; but its trade is, in fact, small, consisting mostly of supplies for the market of Constantinople and an exchange of fruits, wines, and raw silk, for Russian goods from the opposite coast. It is more remarkable for its decaying fort, and towers, and walls, and as having been the birth place of Diogenes, and the capital of Pontus under Mithridates, than as being, at present, a place for much profitable buying and selling. Constantinople, too, is a city more interesting to the historian and traveller, than to the navigator and merchant. It is more distinguished for its

market of Circassian slaves, and of all the offices of the Turkish empire, which the Grand Seignor sells to the highest bidder, than for any other commerce; as it supplies no exports of any importance, and its imports are mostly of articles for the consumption of its own inhabitants. There is no port of the Turkish empire beyond the Dardanelles, from a trade of which we could form any great expectations, and we now enjoy almost all the advantages of the trade of Turkey, by the admission of our vessels at Smyrna, which is at present the great mart of that trade, and is likely so to continue. The Levant, where commerce began, seems to be still its favourite resort, and the revolutions of many centuries have only, at different periods, augmented or depressed it, and turned it from one to another of the neighbouring channels, without ever having wholly diverted it from this coast. Leghorn has flourished, at the expense of Venice, and Trieste is flourishing, at the expense of Leghorn, but nothing has happened, and nothing perhaps can happen, to carry a very active commerce with Turkey into the Black Sea.

It appears, therefore, that the gaining a footing at Constantinople, would not give any greater facility or extent to our direct trade with the Turks, or our circuitous commercial operations between the Turkish and other ports of the Mediterranean, and those on the western coast of Europe, since the negotiations between them are made mostly at Smyrna.

The inquiry then occurs, whether a free passage of the Dardanelles would give us a more extensive trade with Russia, and it seems to us there are good reasons for the opinion that it might, though to what degree cannot easily be estimated before hand, on account of the multiplicity and uncertainty of the influences to which almost every species of commerce is liable. The active and increasing commerce between Turkey and Russia, on the Black Sea, has a tendency to produce stable commercial relations between the different ports, and give a facility of exchange and circuitous negotiations. This would afford our merchants the means of combining a shipment for Turkey and another from Russia, or *vice versa*, in the same voyage, and it might often happen, that neither the exportation, nor the importation, could be made without this advantage. The slightest reflection, or the least knowledge of our European trade, will make it obvious to any one, that

by means of the commercial relations subsisting between two foreign nations, we may be sometimes able to continue and extend our trade with both, when without their help it might not be practicable to carry on trade with either. The English navigation act had a great effect in promoting their commerce, by depriving other nations of this advantage.

Another advantage might follow from our admission into the Black Sea analogous to the one already mentioned, as it might possibly put the direct trade between Turkey and Russia, more or less, into our hands. We would not be understood to expect that any shipping of the United States would be exclusively engaged in the carrying trade between the opposite shores of the Black Sea, but there would be nothing to prevent our connecting such voyages with others more distant. Though this view of the subject may at first seem to be of very little importance, we cannot but consider it entitled to some consideration. This trade is now carried on almost exclusively by Greeks, who are regarded by the Turks as a sort of foreigners, and are so far from enjoying any commercial privileges, that it is usual for Greek vessels in sailing from port to port in Turkey, to purchase and sail under a foreign flag. The Greeks, therefore, would not be dangerous competitors to us in this trade.

The state of the world, and the tendency of those habits of thinking, which are now so rapidly strengthening and spreading themselves, make it probable that the Ottoman government will gradually learn its interest in respecting the persons and property of its subjects, and introducing principles of administration, that may excite the torpid faculties of its people. The processes of production and consumption may hereafter be as rapid, and cause as quick a circulation of property, in Asia Minor, as they now do in the most civilized nations of Europe. On the other hand, it is possible no such thing may ever happen, and the Turks of the next age may be the worthy descendants of their ancestors of the present. However this may be, the commerce, of which we are speaking, being already very considerable, will most probably be more or less increased, and other nations have the greater interest in its increase, since the Turks have not much commercial jealousy, and foreigners will profit by it, in proportion to their skill in navigation and the extent of their commercial relations, and their habits of trade with the Turks. It is then

important to take the earliest opportunity for forming these habits, as much from a regard to their future effect, as to their immediate utility.

Yet if Mr. Rördansz is to be relied upon, the throwing open of this trade would be no benefit to our merchants, since they would find in its present possessors, competitors too formidable to be contended with.

'The whole of this trade,' he says,* 'is in the hands of the Greeks, on account of the extraordinary assiduity, economy and personal attendance to their business, which no foreigner can equal, and which never cease, even during the time that Constantinople is infected by the plague, which drives every foreigner to seek refuge in the country. The imports from Russia being subject to retail, their advantage is evident. All foreigners are burthened by brokers, attached solely to one house, who receive full five per cent. brokerage, between the buyer and seller. The Greek saves that charge and at most pays a half per cent. The foreigner receives his information from his broker, who is a Jew, respecting the markets; the Greek attends to it himself. The Greek houses generally consist of two or more partners; and in their export trade, one of them is sent to the islands to provide the wine, oil, soap, silks, &c. with an allowance of a few pence per day for his nourishment. The advantage does not solely rest on the trifling charge, but mostly in the advantage of purchasing in person, and suffering no deceit in weight or measure. What is advanced relating to the advantages of those people, is manifested by their possessing, exclusively, every trade open to them. The adventures which they make to Russia are accompanied by a partner, as supercargo, who sells and provides the returns. The trade between Germany, Holland, and Italy with Turkey, is immense; and yet not one native house of any of those countries exists, either at Constantinople or any one of the cities in Turkey excepting Aleppo.'

From the statements of gentlemen recently returned from Turkey, we are induced to think that Mr. Rördansz is mistaken as to there being no establishments of Germans, Dutch, or Italians, in that country. There certainly are houses of each of these nations at Smyrna, and of some of them at least at Constantinople.

The advantage enjoyed by the Greeks in this trade results

* Rördansz's Complete Mercantile Guide, p. 545 of the edition recently published by Cummings & Hilliard, Boston.

greatly from its being conducted so much in detail, and it will be less when the business is increased and commercial connexions are extended. And then, as to the skill and economy of the Greeks, they are known to be out done by their fellow subjects the Armenians, and we should not despair of the success of some of our own traders, if they could be admitted to a fair competition in the business, even as it is now conducted. But the difference of language renders such a competition impossible, and we cannot but think that the Greeks have a much greater superiority in a knowledge of the language and habits of the people with whom they trade, than in their skill and application. It happens here, as in all parts of the world, that the business which is very much divided, and requires a concern with many persons to transact to any considerable amount, is in the hands of the natives. The trade between Turkey and Russia resembles our coasting trade, there being generally very many shippers, to make up even a small cargo; and as much of the trade as shall continue to be conducted in this manner will remain in the hands of the native merchants. But an increase of mutual productions and consumption, the accumulation of capitals, and an augmentation of their markets may introduce a trade in which foreigners can directly participate.

The advantages mentioned as being the possible result of giving our shipping a free passage into the Black Sea, are obviously precarious, requiring the concurrence of many uncertain causes. They depend in the first place on our trade at the Russian ports, which would be confined to Odessa, since Tayannog lies towards the northern part of the sea of Azof, which is navigable for only four or five months of the year, on account of the ice; and only to vessels not exceeding one hundred and fifty tons burthen, on account of its shallowness.

It is now but twenty four years since the building of Odessa was commenced, and though its growth was checked rather than promoted, during the short reign of Paul, yet Mr. Dearborn states the population in 1811 to have been twenty five thousand, and that it is probably increased to forty thousand since that time. It possesses an important advantage over all the other Russian ports of the Black Sea, inasmuch as its harbour is never obstructed by ice. The Russian government has studiously promoted its growth by con-

structing a harbour, ware-houses, and roads, and making it a place of entrepot, and the channel of a transit trade to Germany and Poland, and conferring commercial privileges upon its inhabitants. It is already opened, or soon will be, as a free port for all articles except brandy and spirits, and these are to be admitted in 1821. Its communication with Moscow and even Siberia, is represented to be as direct and easy as that of St. Petersburg, and through the channels of the Don, the Dneiper, the Dneister, and the Danube, and the extensive roads and canals already constructed and hereafter to be commenced, there will be a confluence at Odessa, of all the products of the soil and of the arts, from the interior and southern parts of Russia, from Moldavia, Wallachia, Hungary, Poland, and Germany. In return will be distributed from Odessa, through the same channels over these wide regions, all the luxuries of the warmer climates, and all the manufactures of more refined or more skilful nations. The tide of commerce already sets in these directions, and when it is considered that the sources supplying it are inexhaustible, and that new wants and new resources mutually produce and supply each other, it is not possible to assign the limits of its future increase.

It cannot then be a matter of indifference to the United States, whether or not our merchants and ship-owners are admitted to this commerce. It may be said that every article which we can buy or sell in the Black Sea, may be procured or disposed of in the Baltic. Admitting this to be true, as it is in fact for the most part, still trade can be more profitably and more extensively carried on at a great, than at a small market, and at two markets, than at one. Besides, some articles are to be obtained on better terms in the ports of the Black Sea, than in those of the Baltic, for the obvious reason that their transportation is less expensive; and again, if Odessa becomes a place of more extensive business than any on the Baltic, of which there is the greatest probability, there will be a proportionably greater security against delay in making sales and purchases.

Odessa is at a greater distance from us than St. Petersburg; but so is Archangel, yet this does not prevent the trade of the latter from being of more or less importance to us. The comparative length of the voyages to the Black Sea is much more against the trade of England, than that of

the United States. But that this obstacle is very small, appears from the fact, that of eight hundred and forty six vessels, entered at Odessa in 1817, two hundred and fifty eight were English, making about four thirteenths of the whole in number, and probably a much greater proportion in tonnage. The entry of so much shipping indicates that Odessa offers great advantages as a place of trade from England, though the voyages are longer and the insurance, no doubt, higher than to the ports of the Baltic, and there is often a great delay in passing through the straits, where the winds for six months in the year set with the current, out of the Black Sea.

Insurance on European vessels between Odessa and Constantinople, is from two to three per cent. From the United States to Smyrna it is less than to the ports of the Baltic, but to Odessa would probably be more, in general, by one or two per cent.

We make little account of the terrors of navigation in the Black Sea. Were but few vessels to pass the Orkneys or Cape Hatteras, we should have pictures of their dangers that would make the boldest mariner afraid. But as these dangers have become more known, they are less regarded, and if our vessels shall at any time be permitted to pass the Dardanelles, a hope of profits and wages will soon induce our merchants to risk their property, and our navigators their lives on the Black Sea. We would not however be understood to imply that the navigation of this sea is easy and safe; the violence of storms, the fogs and currents, and worst of all, the want of land marks on the coast, make it difficult and in a degree hazardous, as appears in some measure in Mr. Dearborn's account of it, and still more fully from the journal of a voyage from Odessa to Constantinople in the first volume of Clarke's Travels. The great number of vessels continually navigated there, not by Turks only, whose resignation to fate makes them regardless of perils, but also by Greeks and subjects of most of the European states, shows that the danger has no effect in deterring people from the experiment. The rate of insurance shows also, that the risk is not supposed to be exceedingly great. It is much higher in proportion, between Constantinople and Tayannog, being from eight to twelve per cent. but then it is upon Greek ships.

It appears to us then that the commerce of our country

might be benefited by extending it to Odessa, and consequently, that the government should continue to take measures for this purpose. Here is a great and rapidly increasing trade, and nothing seems to prevent our merchants from participating in it, though no exact estimation can be made of its immediate profits or future prospects. In this, as in most other enterprises, it is doubtful whether the first adventures be successful, and as to the future the shifting winds of fashion and opposing currents of foreign competition and commercial regulations render calculations concerning the course, which commerce may take, liable to great uncertainty. In some few cases, it might be confidently decided before hand, that a particular trade would, or would not be worth pursuing. But in general the advantages and disadvantages can be satisfactorily determined, only by the close and sharp sighted calculations of ship-owners and shippers at the time of making the experiment; and the government discharges its just functions by giving those calculations the freest and widest range that is possible. Were we a secluded nation like the Chinese, with few exterior connexions, and knowing and caring little except for the world within ourselves, and having a fixed order of society and unchanging habits, we might perhaps question the expediency of troubling this routine of contented existence, with the agitations incident to foreign competitions. But we have no longer a choice between this inglorious quietude, and the struggles of the great theatre of riches, and civilization, and glory. We have already formed very intimate connexions, both political and commercial, with almost all foreign nations. We do not appear as the favoured and protected dependant of one or another of them, but assert a perfect equality, and this it behoves us now to maintain, as well in contests of policy as in those of violence. The world is generally slow to admit new claims, even though they are just; but interest, a sense of right, or liberal way of thinking, generally secure to them in the end their just weight. We have gone on for half a century, disengaging ourselves from one incumbrance after another, and advancing with increasing facility and power, till now we have but little more to do than support our pretensions against our competitors upon pretty fair and equal terms. Great Britain and France have put themselves in our way more than any other nations, but then each of them has

sometimes been ready to help us against the other, and other nations have not unfrequently been disposed to promote our views in opposition to them both. In the case in question, while England orders its ambassador to guard the Black Sea against our approach, Russia favours our admission, and the Porte wishes for it. This proceeding on the part of England is too consistent with the policy which she has very much pursued, of inducing her subjects to place their capital and industry in constrained situations, where they can be supported only by unremitted effort. All the governments of Europe have shown a willingness to do the same, though they have had fewer opportunities. They have ever been rapacious of acquisitions at others' expense, and if they can but gain golden apples they are willing to expend double their value in feeding the dragon that guards them. Our own country will perhaps catch the same spirit in time, but hitherto we have been at so much trouble to keep or obtain what we have been entitled to, that the possessions of others have not much excited the cupidity of the nation, except as they might be subjects of fair bargain and sale. Nor have we as yet learned to intrigue for or desire exclusive privileges of commerce, having been satisfied with what we could obtain in a fair competition, by our natural advantages, or by the superior skill or economy of our merchants and navigators. Experience will show this policy to be as wise as it is fair and simple. It invites only those kinds of industry and dispositions of capital that are most likely to be stable, because they are more frequently founded upon some real and permanent advantage. Accessions coming in this way, are not excrescences and weights; they become incorporated into the system, and form a part of the body and muscle of the nation. It has been by forsaking this policy, that nations have acquired a forced and excessive growth, which has only contributed to a hasty decay.

Our present subject may in the end be an illustration of these remarks. Suppose England should, by excluding us and the Dutch (we believe their flag is excluded) from the Black Sea, secure a vent for many more of its manufactures, and a channel for much of its capital and industry; and at the end of some few years the influence of Russia, or the caprice or dissolution of the Ottoman government, should let in these and all other competitors, and that they should be able to crowd the English out of the trade; would not the

merchants, mariners, manufacturers, and shipping it might have, mean time, produced and supported, be immediately thrown upon the public, an incumbrance and a new weight added to the national burthen? This might happen to be sure, in whatever way the trade should have been acquired; but if it were to pass away as the superiority, which had commanded it, gradually ceased, the process would be slow and other things would have time to adjust themselves to the change. But there is a great difference in this respect between a mature and a growing country. Perhaps England by employing all her advantages of situation and skill, her influence with foreign governments and her power on the ocean, cannot employ or at the best can but employ, the hands she already has, and throw off the immense mass of goods, the fabrication of which she cannot continue without a market, and cannot suspend without a kind of political paralysis. All the machinery of the government and that of the national industry may possibly have become so implicated and the action of the parts so intimately dependent on each other, that the least derangement of one has a sensible effect in disturbing the whole. Our civil and economical policy on the other hand is so immature and so imperfectly compacted, that the whole is but little affected by the derangement or tearing away of a part.

But we are apprehensive that our readers have been supposing us, all along, to attribute too much importance to the trade of the Black Sea, both as it respects Great Britain and this country. And we have no doubt that European policy has furnished many cases to which our remarks might be applied with more force and perhaps more pertinency than to the conduct of England in regard to this trade. We think however, that we have succeeded in what we had principally in view, namely, to explain the principles upon which our government should lend its assistance to trade in this instance. To give the substance of our opinions in a few words, it seems to us, that the government cannot be too vigilant in observing, or too active in removing all the obstacles to commercial industry and enterprize, arising from foreign regulations and restrictions, nor too scrupulous in avoiding to give commerce any factitious and extraordinary aid, or to draw it into channels in which it is not spontaneously disposed to flow. It is at present excluded from the Black Sea; its admission there would be attended with some, and might

be attended with very great advantages. This is a sufficient reason for continuing to take measures for its admission.

There are two ways in which our merchants might carry on trade at Odessa; the one under our own flag, the other under that of some foreign power. The having an ambassador received at Constantinople is the most probable way of gaining admittance of our flag, but it does not follow of course. The French had an ambassador at the Porte fourteen years at least, before their own flag was permitted to pass the straits, and Mr. Dearborn states that their trade began under the Russian and Austrian flags. Macpherson's Annals of Commerce contain a particular account of the rise of this trade, which was favoured by the governments of France and Russia, in compliance with the representation made to them on the subject, by a Mr. Antoine, who was among the first Frenchmen to engage in it. We do not find that any other than the Russian, English, Austrian, and Venetian ships have begun their commerce here under their own flags. The Poles also seem very early to have had a free trade in Turkey. Besides the three remaining flags out of these five, the French, Portuguese, Swedish, Sicilian, and Sardinian are, at present, as nearly as we can learn, the only ones permitted by the Porte. We have not been able to ascertain in what manner a vessel is protected by a foreign flag. By a treaty made between England and Turkey in 1675, it is stipulated that the English flag shall protect the vessels of Spain, Portugal, Holland, Florence, and Ancona. From the terms of this treaty, and from the general impression that some arrangement with the Porte is requisite to the admission of our vessels, we infer that a flag protects the vessels of other nations, only in pursuance of a stipulation to that effect with the Ottoman government.

There might be some objection to carrying on a trade under a foreign flag, on the score of national pride. This principle ought to be cherished and respected, and if the trade to the Black Sea were bought by sacrificing it in any degree, we should pay dearer than the English government did formerly for the Turkey trade, by giving their merchants £10,000 a year for its encouragement. Much of this commerce, however, has been under the protection of foreign flags for three or four centuries, and some of the most powerful nations of Europe have not scrupled to assist their subjects to conduct

it in this manner. Use seems to have given a construction to the practice, consistent with a just national pride and self-respect. We cannot perceive any better reasons for delicacy on this point, than in regard to the duties paid to the government of Denmark on entering the Baltic, which under the name of *light money* amount to a very heavy exaction from all foreign vessels. Still, all sentiment aside, it may be more easy, and more economical, to introduce our commerce by means of an embassy. But to form any decided opinion on the subject, requires information which we have not the means of obtaining.

In this age of brown paper and miniature editions, we rejoice in a book of so comely an aspect as Mr. Dearborn's, but the size and style of typography render it expensive, and will prevent it from passing into so many hands as a cheaper book would have done. The chart of the Black Sea is a useful appendage, and would have been more so, had it been printed on a paper not so liable to break in pieces by use.

Though we have not gone into a particular examination of the contents of these volumes, for reasons already mentioned, yet we have said enough, we think, to assist in drawing the attention of our readers to the general subject, and to remind them of the importance of making themselves acquainted with the work itself. It deserves the attention of those who have a regard for the public welfare, inasmuch as it treats of important commercial interests. It is filled with information, calculated to be useful to those engaged in foreign trade. We do not suppose this, or any other book, can be so useful, as a price current, in enabling a merchant to plan a voyage, or make up his mind in the choice of articles for a shipment. Still he cannot direct his inquiries with intelligence or combine various operations in one system, or discover new courses of profitable trade, without extensive previous information. This, it is true, he may acquire by conversation and experience, but if he adds reading to those sources, his knowledge will be more certain and more easily and cheaply gained, and his ingenuity and skill will have a wider field.

In some few places the work wants the simplicity of expression, and close connexion and dependence of the parts, and exact method, which mark the productions of a practised writer; but they are not such defects as deserve serious animadversion in a work like this, directed to a useful object,

and not proposed as a specimen of art. Mr. Dearborn is entitled to the thanks of the public, for presenting it with so much valuable information on a subject of general interest. His work as it required no inconsiderable labour, does him the greater credit, as he has compiled it in the intervals of the occupations of a laborious office, and has thus devoted to the public and to a well earned reputation, the time which most men, and that without reproach, bestow on ordinary amusement and relaxation.

ART. X.—*Memoirs of the life and campaigns of the Hon. Nathaniel Greene, Major General in the army of the United States, and commander of the southern department, in the war of the revolution. By Charles Caldwell M. D. Professor of Natural History in the University of Pennsylvania.* Philadelphia, published by Robert Desilver, 1819.

A LIFE of General Greene has long been wanting; no work, we apprehend, could more excite the interest of the public, or meet with a readier sale among all classes of the community. We had been pleasing ourselves for some time with the hope that it was about to be furnished by a gentleman of South Carolina, every way fitted to the undertaking. Fearing, however, that there may have been some mistake in regard to this, we are quite sure that the curiosity of our readers will be excited, in respect to the work before us. Dr. Caldwell is a gentleman who does not appear before the literary public without experience. He before this has edited, we understand, many works relating to his own profession, and thereby no doubt acquired a good proficiency in the art of doing up a book off hand.

It is not very common, we know, to pay much regard to the preface of a book, it having long been considered like the compliments of the day, pretty much a thing of course, a sort of entering bow to the public, and in no wise binding upon the author. But the preface to the work before us differs so much from the generality of these productions, is so full of just remark, so modest, states so correctly what the reader is to look for in the work, and will assist us so much in explaining many things which come after, that we cannot well avoid

noticing it. The author's leading objects in composing this Memoir of Gen. Greene were, he says, 'to pay a just, though long neglected tribute to one of the most distinguished benefactors of our country, to aid in the defence of the American character against the imputations which assail it from abroad, and to show, that in the greatness and glory of our own countrymen, we may find ample scope for that admiration which has hitherto been too much engrossed by foreign splendour.' In pursuance of these extensive and interesting objects, and particularly, we presume of that which relates to the defence of the American character, Dr. Caldwell commences his preface with a very learned and, as it strikes us, convincing argument, to prove, that of all republics, ancient and modern, that of the United States is the only one, to which the proverbial charge of ingratitude can with justice be applied. After enumerating those of every age, and satisfactorily proving the inapplicability of this imputation to them he thus proceeds. 'To proclaim the faults of our own country, is painful and mortifying, but whether we speak, or write, or act, truth should be our object; and it cannot be denied, that to the people and government of the United States, the vices of injustice and ingratitude to public benefactors are more deeply imputible, than to those of any other nation.' He observes with great discrimination, that he 'perceives no cause to believe' that it is the form of government itself, which is ungrateful, but rather the individuals who live under it, a sentiment in which, however novel and startling it may at first appear, we have little doubt that most persons who reflect deeply, will fully coincide with our author.

This '*deep blemish*,' he thinks, arises from some defect in the moral constitution of the individual, and is to be attributed in this country to our want of a genuine spirit of patriotism.

'To inquire,' he says, 'into all the causes of this neglect is not our intention. The exemption of our country from war, and the general felicity of our situation, rendering us less dependent on the benefactions of great men, constitute one of them; but the most operative and fruitful of them is, our want of a *genuine spirit of patriotism*.'—'Did we love our country to the extent we profess to do, we *would* love and cherish every thing that might minister to its greatness and glory. But the richest source of a nation's glory consists in the illustrious natives of its soil. While we continue to neglect these in vain *will* we boast of our national

spirit and national pride.' Our attention is too much drawn off, it is added, by 'the heroes of Europe who fulminate at the head of powerful armies.'

It may seem to many a matter of some little difficulty to reconcile these rather severe strictures upon the American people, with that defence of the American character, which the author proposed as one of his leading objects in undertaking this work, but our readers will be pleased to observe that this proposed defence was to be against imputations from *abroad*, only, which is evidently a very different thing. Had Dr. Caldwell fallen in with such remarks as these, in some foreign journal, some Edinburgh or Quarterly Review, or Scotch Magazine, he would no doubt have taken the matter up with becoming heat, and fully proved the scandal. But a man, as every body knows, has a perfect right to call himself by all the names he can lay his tongue to, and it is no slander; but this affords no excuse for others. Of the truth of the charge, severe as it is, we take it no intelligent person can doubt. It is now upwards of thirty years since the termination of the revolutionary war, so long ago, that many of the more advanced persons engaged in it are dead; (though not so many, indeed, as was thought for, before the late pension law, which has had an excellent effect upon old soldiers, and brought them to wonderfully) since then the country has gone on to prosper, commerce and agriculture have been most successfully pursued, many new states brought into the Union, canals have been dug, roads laid out, banks created, the fisheries attended to, and yet no person has written a life of General Greene. As Dr. Caldwell sensibly observes, 'so marked has been our indifference, and so unrelenting our neglect, that they are a reproach to the nation.' To be sure, there have been several histories of the country, and of the events of the war, in which General Greene has been handsomely mentioned;—yet, as our author observes, 'that they have done him justice will not be maintained by any one, that has looked into the transactions of his life.' The truth of this remark will fully appear upon the perusal of this life, in which all that could be gathered of General Greene has been faithfully collected and eloquently set forth, as the author, with a pleasing diffidence, thus informs the reader;

'That we have ourselves succeeded in doing justice to his memory we do not venture to believe. On this point, however, we *will*

be permitted to lay claim to the humble merit of honest intention and sedulous endeavour. We have spared neither trouble nor cost, having written very many letters, visited many distant individuals, and travelled more than a thousand miles, to procure information, and all that was made accessible to us we have faithfully used. To Mr. Christopher Greene of Rhode Island, brother to the General, with whom we had an interview, we are indebted for several interesting facts. Under this head we shall only add, that we hope we shall not be accused of vanity for believing, or arrogance for asserting, that there are few persons living who can attentively peruse this volume, without knowing much more of General Greene on closing, than they did on opening it.'

In speaking of the sources whence his facts have been derived our author afterwards says,

'All our facts of primary importance, touching the life and character of Greene, rest on the authority of written testimony.'

We ought to observe here, that the author must have used the word *written* in this place, as synonymous with *printed*, as will be evident to every one after a perusal of the book. And indeed we should hardly have thought it worth while to notice so trifling a mistake, and one so easily discoverable by the reader, were it not that Dr. Caldwell is rather apt to use words somewhat too loosely, as may be observed in the frequent occurrence of *will* for *shall*, *would* for *should*, and others of like kind, which we are sorry to find has given some persons an ill opinion of his disposition; whereas we are fully of the mind, that it arises altogether from his not being well instructed in the precise difference between the tenses, and from that disregard to mere words, which is common to all men of genius. Of the uncommonly elevated style, in which this book is written, and the generous enthusiasm which runs through the author's remarks, too much cannot be said. We are not sure that this will not lay the foundation of a new style in biography. There has been, we know, a prevalent opinion, that it is the duty of biographers to present to their readers a statement of facts merely, a dry outline of the life, a collection of particulars and anecdotes, illustrative of the character, and then to leave it to every one to form from this his own estimate of the individual. Dr. Caldwell, however, with a boldness and originality, quite noticeable, has laid aside this dull and mistaken mode, and ventured upon a plan

hitherto untried in this species of writing. He has not put it upon the slow apprehensions of his readers to puzzle out, as they could, the character of General Greene, a process which would give them a great deal of useless trouble and expose them to waste much thought. Avoiding all that detail, which writers of biography are apt to fall into, he comes at once to grand results, and from them lays down the General's character, with such clearness and decision, such colouring and finish, as to leave nobody at a loss about it. To those persons, who, adhering to the old mode, may be inclined to find fault with our author in this respect, we recommend an attentive perusal of Dr. Caldwell's reasoning on this subject, and we believe that their objections will be overcome.

'If, in speaking of the characters and exploits of Greene and his officers, we should be thought to have occasionally substituted the language af panegyric for that of real and dispassionate biography, it is because the nature of the subject demanded it. Splendid actions and exalted qualities cannot be presented in humble expressions. As well might we attempt to depict the rainbow in faded colours. Nor have we yet learnt the art of disguising our feelings, when excited by objects that fire the imagination, or when treating of topics which appeal to the heart.'

We have said thus much of the preface of this work, and made so many extracts from it, because we thought it but fair, however much we may think of the merits of this book, to let our readers have an opportunity of judging for themselves, how well the author has fulfilled his promises to the public.

The volume is in size an octavo, containing, besides the preface, and a short appendix, not far from two hundred and fifty pages. It has a beautiful margin, and a type so large, and the lines so far apart, that persons the most advanced in years may read it with great convenience. Of these two hundred and fifty pages, twenty are devoted to an introduction, in which are displayed a view of the causes which tended to bind the colonies to the mother country, and to dishearten the leaders of the revolution,—the effects of the revolution upon this country,—and its probable influence on the condition of man, and the merit and glory of those concerned in it. We shall not stop to make the remarks we could wish, on this comprehensive essay, but content ourselves with recommending it to the careful perusal and study of those who make it a

point to read every thing which is written on these important topics.

The first chapter, which consists of seventeen pages, and comprehends the principal part of what is new in relation to General Greene, gives his birth, parentage, &c. He was the second son of Nathaniel Greene, an anchor-smith, and was born in the year 1741, in the town of Warwick, in the then province of Rhode Island.

'*As far as is known*,' says Dr. Caldwell, 'his childhood passed without any peculiar or unequivocal indications of future greatness. But this is a point of little moment; the size of the oak it is destined to produce, can rarely [qu. ever?] be foretold from an examination of the acorn. Nor is it often that any well defined marks of genius in the child afford a premonition of the eminence of the man.'

We were not a little disconcerted here, under the appehension, from the tenor of the foregoing remarks, that our author had unadvisedly carried the new system of biographical writing, so far as to omit all those entertaining little anecdotes of early greatness, which from time immemorial have appeared in all biographies, and indeed constitute the principal interest of such books to people with rising families. We were relieved, however, from our embarrassment by the next sentence, in which our author goes on to say, that several of the General's contemporaries have a perfect recollection, 'that young Greene had neither the appearance nor manners of a common boy, nor was he so considered by his elder and more discerning acquaintance;' and proceeds with a relation of his uncommon precocity, at the expense of some pages. We can only account for this singular contradiction and change of purpose, by supposing that Dr. Caldwell, after closing the preceding sentence, coming to reflect more seriously upon what might be the consequences of departing so much from the approved custom, in this particular, and of showing so little regard to the taste of the public, subjoined these last pages in some haste, as a thing that did not come within his original plan, and forgot, in so doing, to correct the sentiment that went before. And yet it puzzles us a good deal in this explanation, that within these few pages are to be found, we apprehend, the greatest proportion of these new and important facts, for the promulgation of which this book was expressly

written, and of which so much is said by Dr. Caldwell in his preface.

As one of the most remarkable among many other distinguishing traits, Dr. Caldwell makes particular mention of young Greene's uncommon swiftness, in which respect he seems to have been a second Achilles, and on this subject thus very happily expresses himself.

'For swiftness of foot, in particular, he was without a rival. Yet he neither usurped the foremost place with an air of haughtiness and conscious superiority, nor struggled to maintain it, as a prerogative which he held in high estimation. It was instinctively surrendered to him by the justice of his companions, who recognized in him a right to it, which they could not dispute, and it remained in his possession as a matter of course, because without a voluntary relinquishment, on his part, none of his equals could wrest it from him.'

This we conceive to be one of those passages which Dr. Caldwell had his eye upon when he said in his preface 'splendid actions and exalted qualities cannot be represented in humble expressions.' Few passages precisely similar can be found, as far as we are aware, in the most celebrated productions. The subject, to be sure, is in itself calculated to excite the imagination and draw forth the powers of the writer, yet how few biographies would have painted it in such lively colours, and given it such a reality. Who is there that cannot distinctly see Greene, from this description, cutting through the streets of Warwick, while his brother and companions, at his heels, are striving in vain to wrest the palm of swiftness of foot from him? How indicative was this of his future greatness as a warrior! Homer never tires of the epithet which expresses this quality, in the description of his hero; Frederick the Great was wont to boast that he once scampered from the field of battle; and to the successful cultivation of this noble quality in early life on the part of General Greene is to be attributed without doubt, under divine providence, that masterly retreat of his across the Dan, when pursued by Lord Cornwallis.

We shall take the liberty of calling the very particular attention of our readers to another highly interesting fact relative to the early life and education of General Greene, deeming it, with the exception of that just mentioned, the only

one entirely new, and on many accounts by far the most important of those narrated by Dr. Caldwell. There is indeed good reason to think that it must be the very one, he rode a thousand miles after. It is no other than this, that General Greene, at quite an early age, possessed himself of a correct and practical knowledge of men and affairs, and qualified himself for the duties of a quarter master general, by working at the blacksmith's business. This remarkable fact is thus stated by the author.

'In obedience therefore to the wishes of his father, he early *embarked* in his own line of business, and in the regular pursuit of it, consumed the principal portion of his time. Even this, in the round of events, proved tributary to his future distinction and fame, and to his high and varied *utilities* in military life. By giving him full strength of muscle and hardihood of person, with a correct and practical knowledge of men and affairs, it qualified him the better for the toils of a camp, and the important trust of quarter master general in the able discharge of the duties of which, during the most disheartening period of the war, he added, so immeasurably to his own renown, and served so essentially the interests of his country.'

How Dr. Caldwell as a philosopher, a man of letters, a physician, and philanthropist, could let this matter pass by without more comment, we find it difficult to conceive; for taking into view the little time and money that the youth of this country have to spare for the purposes of education, and more especially the dyspepsical turn, which our climate seems unhappily to be taking, it would seem to us one of the happiest events in our history to fall upon so cheap and healthful a mode of acquiring a species of information so important to every one, and to which so much time, money, and foreign travel, are often devoted in vain. And unless this be one of the secrets of the trade, we are free to say that Dr. Caldwell can hardly stand excused for not fully explaining to his readers, how Greene contrived to hammer it out, from a pursuit apparently so disconnected from the knowledge of men and affairs.

Our author proceeds after this, to relate within the compass of between forty and fifty pages, Green's entrance into the army as a private soldier, his several appointments to the offices of brigadier and major general, and quarter master, and the part he took in the various engagements, and the

duties of his station, until his appointment to the command of the southern army. Although there is nothing new in these last pages, and we apprehend, as we have before remarked, that the cream of this biography, as far as it introduces any new facts illustrative of the character of General Greene, is to be found in the first chapter, still our readers are not to suppose these other portions to be without their interest. On the contrary, the original and conclusive manner, in which the author establishes the military character of Greene, and the other heroes of the revolution, and the high ground on which he places them, in a comparison with the great captains of other nations and times, forms one of the most considerable points in his work. Our author loses no time in detailing particulars. He does not, as most writers would, enumerate the various battles in which the skill and conduct of Greene were conspicuous, and tire out the patience of his readers with uninteresting minutiæ, merely to show how he was great, and in what he particularly excelled others. But he demonstrates off hand, within the compass of half a page or so, and in a style of reasoning, which shows his skill as a logician to equal his felicity as a biographer, and his zeal as a patriot, that Greene was infinitely superior to any of the boasted heroes of the old world, even Buonaparte himself. It is difficult to convey to our readers a perfect idea of our author's power in that way. Not to do him injustice therefore, we shall take his own words.

'The writer of these memoirs pretends to no military experience, nor has he any attainments in the science of war. The positions he has here ventured to advance, he regards as the result of common sense; and without any serious apprehension of being found in the wrong, appeals for their correctness to the judgment of those, who are bred to arms, and versed in the practical operations of the field. Strange and extravagant, as to most readers, perhaps, the opinion may appear, he has no hesitation in believing, that General Greene's campaigns, in the southern department, required more of a military talent to conduct them, than did those of the Emperor Napoleon, in which he humbled Italy, Prussia, and Austria. The latter, whose means were in his sword, overwhelmed by the direct operation of superior force; but the former, destitute of force, employed, chiefly the weapon of policy, dextrously wielded by the hand of genius. The conquests of the one were more the result of physical power, heightened and embol-

dened by a confidence of victory; while the success of the other arose from the unbounded resources of his intellect.'

These are general reflections only, then comes the demonstration as follows.

'We would not be understood, as meaning to run a parallel between General Greene and the Emperor Napoleon; much less, to disparage the talents of the latter, whom we consider in the main, as the most distinguished captain of the present age—perhaps of any age. But, many military characters, of sound judgment, and no inconsiderable experience in war, who have studied both, with deliberate attention, concur in giving a preference on the score of policy to the campaigns of General Greene, over those of the leader, who in the battle of Waterloo, had the good fortune to conquer Napoleon. This decision we believe to be correct. Greene, as will presently appear, vanquished Lord Cornwallis, who, in his genius for war, was superior to Lord Wellington.'

The learned reader will observe that this is a compound syllogism, of the kind called *prosyllogismus*, and in respect that all sorts of questions or conclusions may be proved in the same way, whether they be A, E, I, or O, may be said to come under the mood *Barbara*, though we know that this mood is particularly applicable to *simple* syllogisms.

Freeing this argument then from its adventitious terms, and putting it into its proper form for the advantage of those who are not so well versed in logic, it will stand thus:

Greene, it is well known, vanquished Cornwallis;

Dr. Caldwell says that Cornwallis was superior to Wellington;

Therefore Greene was a greater general than Wellington.

But Wellington had the good fortune to conquer Napoleon in the battle of Waterloo.

Therefore Green was manifestly a greater general than Napoleon. Q. E. D.

The standing of General Greene as a military man is thus forever put at rest. That part of his life which, but for this summary course of argument would have been the most important, as more perfectly developing his military character and the resources of his mind, is to be looked for in his southern campaign. From the commencement of this period until the close of the war, he was acting independently, in a situation of the greatest responsibility. The portion of Dr.

Caldwell's book, which relates to this period, consisting of three hundred and thirty odd pages out of four hundred and twenty six, is very judiciously (although we must confess rather unexpectedly to us, after what the author said in his preface of the injustice done to Greene by all who had written on this subject heretofore) extracted from Lee's Memoirs of the Southern War. About one hundred pages are regularly quoted, and credit duly given. Of the remainder, Dr. Caldwell, having corrected many expressions, and in some instances altered the arrangement of an entire sentence, did not, we presume, think it would be fair to give it as Lee's, and therefore has said nothing about it. It will be unnecessary therefore for us to dwell much upon this part of the work, since most of our readers are probably acquainted with the highly interesting narrative of General Lee. We cannot however refrain from extracting a passage or two from Lee, and the corresponding amended ones from Caldwell, merely to show how ingeniously and elegantly the language of the former has been, in many instances, corrected by the latter, without any alteration whatever in the sense. For instance, Lee says, in speaking of the cruelty shown by Colonel Tarleton, upon the defeat of Colonel Berford, in the settlement of the Waxhaws,

'In the annals of our Indian war, nothing is to be found more shocking: and this bloody day only wanted the war dance and roasting fire to have placed it first in the records of torture and of death in the west.'

As corrected by Dr. Caldwell it stands thus.

'In the blood stained records of the hatchet and the scalping knife, there is nothing to surpass it; add the stake and the faggot, and you complete the climax of human barbarity.'

But it is only when Lee's language is susceptible of such great improvement as in this instance, that Dr. Caldwell finds it worth while to make much change in it, as (to state a passage just under our hand) in the sketch of the character of General Morgan, which, with similar notices of Davie, Marion, Sumpter, De Kalb, and a number of other distinguished partisan officers, is put by Lee, in order to save room, in an appendix and in a smaller type, but for many sufficient reasons, inserted by Dr. Caldwell in the body of his work.

Lee, after mentioning the circumstance which led to a breach of intimacy between General Gates and Morgan, proceeds,

'From that moment all intimacy between himself (Morgan) and Gates ceased; and when, a few days afterwards, the latter gave a dinner to the principal officers of the British army, among which of course some of ours were mixed, Morgan was not invited.

'It so happened that this meritorious officer found it necessary to call upon General Gates, in the evening, on military business. He was introduced into the dining room; and as soon as he spoke with Gates withdrew, unannounced to his guests. The British officers inquired his name, seeing from his uniform that he was a field officer; and upon being informed that it was Colonel Morgan, they arose from the table, overtook him in the yard, and made themselves severally known to him; having, as they ingenuously declared, severely felt him in the field. Thus the slight of Gates recoiled poignantly on himself.'

This passage, we shall see, is but very triflingly corrected by Dr. Caldwell, as indeed is the case with the greater portion of the last three hundred pages.

'From that moment ceased the intimacy, that had previously subsisted between him (Morgan) and General Gates.

'A few days afterwards the general gave a dinner to the principal officers of the British, and some of those of the American army. Morgan was not invited.

'In the course of the evening, that officer found it necessary to call on General Gates on official business. Being introduced into the dining room, he spoke to the general, received his orders, and immediately withdrew, his name unannounced.

'Perceiving from his dress, that he was of high rank, the British officers inquired his name. Being told that it was Colonel Morgan, commanding the rifle corps, they rose from table, followed him into the yard, and introduced themselves to him, with many complimentary and flattering expressions, declaring that on the day of action they had very severely felt him in the field.'

This we consider a pretty fair specimen of Dr. Caldwell's manner of turning Lee to account; some persons may object to this mode of writing biography, but the parts of the book in which this plan is followed, seem to us so much the most entertaining and useful, that so far from complaining of it, we are sometimes tempted to wish that our author had kept to it entirely. We are exceedingly happy to find, that however general may be the want of a spirit of true patriotism

in this country, the author presents in himself at least one honourable example of an individual who is yet alive to it. Dr. Caldwell, we understand, from those better acquainted with him than we are, is laboriously occupied in numerous scientific and literary pursuits, and if we are rightly advised, has lately added to them much, by the acceptance of a very responsible situation in the rising university of a sister state. Notwithstanding all this, actuated by that spirit of true patriotism, the decay of which he has so ably demonstrated, and so eloquently deplores, he has devoted himself to the performance of a work which, taking into account the copious extracts made from Lee, and the ingenious and delicate correction of them, the construction of an unusually able preface, besides a *lengthy* introduction, and the collection of some facts, and lastly the working up of these various materials into a finished biography, must have occupied, we should say, at the very least, from two to three weeks of the author's valuable time; and this too, we presume, without the expectation of any other reward or compensation on his part, than that pure and ennobling one indeed, which every patriot and philanthropist derives from the reflection, that his labours are benefiting his country and mankind.

But nevertheless, Dr. Caldwell must not expect exemption from the common lot of man, as he very justly observes himself, 'exalted merit never fails to become an object of envy, intrigue, and detraction.' We notice already the rising murmurs of many discontented purchasers, especially of such as chanced unfortunately to be previously in possession of Lee. The notes of these last are distinguished by a peculiar intonation, and produce at times very harsh music. The disappointed avarice of these persons hurries them into the most indecent comparisons, and there are not wanting those who have the hardihood to say, that as one of our inland tavern keepers, having established himself upon the capital of a setting hen and her venerable consort, boldly pronounced to the world upon his cloud capt sign, 'refreshments of all sorts for man and beast,' when after all, the hungry and unsuspecting traveller has to witness from his window, with various internal emotions, the capture and execution of the feathered veterans; so our author, after announcing in the preface a rich repast of what 'few persons living' ever tasted, ends with dishing up an ill assorted hash of stale and broken meats, from off the table of Gener al Lee.

We understand that other more charitable critics have said that as to the book, it was a good book enough, only the author had erred in the preface, and expressed himself without due correctness. For, say they, had it but been called, 'An abridgment of Lee's Memoirs of the Southern War, for the use of schools;' or 'Brief notices of several of the revolutionary heroes adapted to young persons;' or 'Thoughts on the American Revolution, interspersed with some anecdotes of General Greene;' or 'Hints on the state of the country, during the revolutionary war, with a preface;' or something or other of this kind, nobody could have been much disappointed in it.

Others, we are told, affect to go farther, and to intimate that this is probably a surreptitious work, gotten up by some person jealous of Dr. Caldwell's reputation; and determined to injure him with the public by putting his name to the title page of a work, quite unworthy of him. They will have it, that no man, with a character as an author at stake in the community, could have composed a work of which all that is good is borrowed, and most that is borrowed is taken without credit. They pretend to expect by every mail a public disavowal by Dr. Caldwell of the very ordinary performance thus insidiously ascribed to him, with a denunciation of the terrors of the law against the author of so injurious a fabrication. Should this statement of the case prove to be correct, we shall be among the first to assist in bringing the offender to condign punishment.

The sum of several ill natured remarks which we have heard on the subject of this work put altogether into plain English amounts to this one simple objection only, viz. that this book, after all, contains little or nothing, and what little it may contain, is made up of extracts. Now we would just take leave to ask these cavilling gentlemen, whether they really mean that Dr. Caldwell's ingenious and instructive preface amounts to nothing? That his profound and luminous introduction amounts to nothing? That his sound and judicious remarks sprinkled over the whole work besides the two remarkable anecdotes of General Greene before noticed, amount to nothing? If indeed all these things can be said to amount to nothing, why then we shall agree that this is a very poor book, and had better never been written. But as this last is a very nice question, and our minds are by no means settled

upon it, we shall leave it to our readers for their better decision.

To be serious, however, they must not think from any thing we have here said, that we lightly estimate the character of General Greene, or in the least undervalue his services in the revolutionary war. On the contrary, so far as the independence of this country is to be attributed to the military operations of the period in which he acted, we conceive that he is justly entitled to hold the next place to Washington, in the respect and gratitude of his countrymen.

In 1775, Rhode Island raised three regiments of militia for the service of the states, and placed Greene, then thirty years of age, at their head, with the rank of brigadier general. Little is known of him prior to this, excepting that he sustained the character of an industrious, intelligent, and active man, following the occupation of an anchor-smith, and enjoying the estimation and confidence of his fellow-citizens, as this appointment of itself sufficiently shows. He had been educated in the society of Friends, and continued connected with the sect until the measures he proposed and defended in the Legislature of Rhode Island caused his dismission, some short time before this period.

As soon as he had entered upon his command, he repaired with his troops to Cambridge, having no other knowledge of military affairs, than he may be supposed to have acquired by being drilled as a private soldier in a company which had been formed some seven months before. From this time, until the latter part of the year 1780, he acted under the command of General Washington, and in conjunction with him. During this period, including more than four years, Washington seems to have estimated him very highly, both as a man and a soldier. By his advice, in the year 1778, he was appointed quarter master general, a situation at that time of much importance and responsibility, and requiring great intelligence, activity, and labour. He appears to have discharged the duties of this office for a year, in such a manner, as to add very much to his general reputation, and fully to confirm the high estimation in which Washington had before held him.

In the year 1780, the prospect of a successful termination of the war and of the eventual independence of this country was much more unpromising than at any other period. The

English force in and about New York was well disciplined, well officered, abundantly provided with every necessary, and in high spirits; while the force under General Washington presented the entire reverse of this. It consisted of men, whose terms of service were so various, that it was continually changing, and who were consequently never well acquainted with the duties of a military life nor enured to its hardships and privations. Badly armed, badly clothed, and badly provisioned, receiving, at times, not more than one eighth of their allowances, disheartened with continued ill success, and with the worst apprehensions, and more than all, officered by men, who for the most part were but little better informed in their military duties than themselves, it is not to be wondered at, that they murmured much, and sometimes mutinied.

Affairs at the south were at the same time still more gloomy. The entire states of Georgia and South Carolina had been subdued, and taken possession of by the British; and the American forces in that part of the country almost annihilated by heavy and repeated losses. The royalists, who before had ventured to assist the cause of the mother country only with their wishes or secret services, now openly came out to its aid, enrolled themselves in large bodies under its banners, and overawed and controlled all, who were inclined to take a different part.

General Gates, who had drawn to himself the notice and confidence of the Congress by his conduct in the north, previous to this, and particularly by his capture of Burgoyne, was now called on to transfer his successes to the south; and to arrest, if possible, the further progress of British arms and American despondency in that quarter. His arrival there excited anew the hopes and enthusiasm of the American troops, and they prepared, in better heart, once more to face their opponents.

But this excitement was of short continuance; the reputation of this general and the hopes of his countrymen soon fell together. And by the decisive victory of Lord Cornwallis at Camden, a cause that before was all but hopeless, seemed now to be rendered desperate.

It was at this juncture, that General Washington was directed by Congress to appoint some person to take the place of the unfortunate Gates. He fixed upon General Greene without any hesitation, as the most suitable officer in

the American army to be sent upon that service. This prompt appointment is of itself Greene's best biography for his military life thus far. It was made by a man of all others best able to judge correctly of his merits. And every one who calls to mind the situation of the country at that period, the extreme importance of this command, and the responsibility under which General Washington acted in making it, will forcibly feel that it gave to Greene a military character, which no after events, however unfortunate, ought justly to impair. Happily these after events fully demonstrated the wisdom of the choice, and vindicated at the same time the penetration of Washington and the powers of Greene.

At the time of entering upon the duties of this station, Greene had little reason to flatter himself with the expectation of being more successful than his predecessor. His own army amounted to but about two thousand men, and they principally militia; whilst that of his opponent, in consequence of late reinforcements from New York, exceeded eleven thousand. The whole of that part of the country too was exceedingly disaffected to the American cause, so much so that Greene is represented to have been in danger of his life, as he went on to take his command. The royalists of North Carolina were resorting in great numbers to Cornwallis, and the skirmishes between them and such of the inhabitants as remained in the American interests were particularly severe and vindictive.

But although Greene well understood the difficulties of his situation, and was led from a view of them to judge much less severely of the mistakes and misfortunes of General Gates, than others did, he was by no means disheartened, but prepared to combat them, with that energy and decision which were the prominent characteristics of his mind. The theatre of action was now laid by the British in North Carolina, and they were making great exertions to bring that state like South Carolina and Georgia into subjection. Greene was unable to withstand them, but in his memorable retreat across the Dan, he more fully displayed his military talents, more fully possessed himself of the confidence of his soldiers, and more effectually raised the drooping spirits of the country, than he could have done by the most successful engagement. This retreat was made under every possible disadvantage. It was in the winter season, his troops were without provision

or clothing, marching twenty and thirty miles a day barefooted, and through a country filled with royalists, who were doing every thing to mislead and retard him, and to assist his enemy. Pressed on the very heels by an army, that was hungry for him, an army that was perfectly equipped and amply provisioned, and commanded by a distinguished officer, who well knew the importance of overtaking him, one misstep and he would inevitably have been lost, and with him the cause of the South. He was indeed much indebted on this, and all other occasions, to the brave officers who surrounded him, to Lee, Howard, Marion, Sumpter, Williams, Davie, and many others. In no part of America, and at no period of the war, were undaunted bravery, daring enterprise, and an entire devotion to the cause of independence, better displayed, than at this trying juncture, by these heroes of the South.

No sooner had Cornwallis thus driven our army from North Carolina and returned as far as Hillsborough, there to establish himself for the purpose of calling in the inhabitants of the state to their former allegiance, than Greene was again unexpectedly at his side. In vain he pursued, in vain he retreated, wherever he went, Greene was at hand, to oppose his progress and baffle his plans. This was the way, in which Cornwallis was finally overcome, this was the way in which the English were at length driven from the South, and from America.

This is not the occasion to go through with a detail of the manœuvres and actions, which took place in the South, and which terminated so successfully for us. The single one, at which we have thus slightly hinted, as fully develops Greene's military character, as the whole of them could do. He showed himself in all, to be a man of a sound judgment, of great discretion, of unrelaxing nerve and courage, always prepared to take advantage of any fortunate event, and to lessen as much as possible the bad effects of every untoward one. He was possessed of a firmness and hardiness of character that eminently fitted him for the situation he was called on to fill, as they were themselves called out and developed by the events of the period in which he lived. Had the revolution taken place fifty years before, or fifty years after, Greene would have been, no doubt, a useful citizen and a good anchor-smith; but happening as it did, he became a distinguished patriot and able commander. He was formed by the times, and therefore well suited to them.

But all this is very much below the degree pointed out on Dr. Caldwell's thermometer; his quicksilver, when brought in contact with General Greene, runs up at once to the boiling point. He is not content with Greene's being acknowledged the second best officer in the American army, which we think praise enough for any man, but will have him to be the first that ever commanded elsewhere; and on this point he runs on in a loose, inflated style of writing, which is bad enough on any subject, but on such an one as this, altogether misplaced and absurd. This, to be sure, he calls a noble enthusiasm—a true spirit of patriotism—a proper sensibility to the merits of our great men; but we call it *rodomontade*. He says,

'The truth is, that, Frederick and Napoleon excepted—and we are not confident that even they ought to be excepted—we believe General Greene to have been superior, in all the higher qualities of command, to any general officer that has appeared in Europe for many centuries.'

Unfortunately for our country, whenever a book chances to be squeezed out among us, once in two or three years, the writer, as it is so rare a thing, thinks he is bound to make the vindication of the American character one of his topics, let the others be what they may, and, therefore, with a graceful diffidence, proclaims aloud to all nations,—Sirs, we feel it our duty to state, that we are, without any exception, the greatest people that ever did or ever can exist; nothing is too hard for us; we are perfectly acquainted with all arts and sciences, from the raising of turnips to the finding of new stars; and this we give you our word for.

Upon which, the English, on behalf of the poor remnant of this globe, turn short around upon us and say,—Gentlemen, with unfeigned grief and reluctance we take it upon us to declare, that you are but dullards and blockheads, that you know but little, and are not likely to know more, and this you may rely upon, coming as it does from us, who are candid judges of these matters.

Now if we may be permitted to put in a word upon this subject, we should strongly advise to the driving of a turnpike (an amusement much affected in these parts) right through the centre of the valley that divides these two prominent and opposite opinions, and propose the keeping upon that. We

shall thereby probably meet with less jolting, and be likely to come sooner to the point we are making for.

We see no good reason for following Dr. Caldwell to France, and Italy, and Prussia, and Austria, or any where else to guage the merits of our officers; they fought well in America, and that is enough for us. We are sufficiently content with good homespun excellence, of American manufacture, and we wish that all our friends may wear it. There is a plenty of it, we believe, in every department, military, civil, and literary, at least for home consumption; and there is no need of our continually laying restrictions on that abroad, in order to raise its value. The market of the world will never be glutted, be this article brought from whence it may; let us but be careful to send in our proportion of it, and we doubt not it will always command its fair price. There are no two persons just alike in the world, nor any two events; and it seems to us, that General Greene can with as little propriety be compared to Napoleon or Frederick, as to the Dey of Algiers. All that part of his life, that can be made interesting to general readers, and indeed we may say to any one, excepting his immediate friends, is so connected and interwoven with the events of the war, that his character can only be faithfully delineated, by a minute detail of those events, and by making the reader his constant companion and tent-fellow. This could hardly be done, excepting by some one, whose own military duties during the revolution produced a daily intercourse between him and Greene, and thus afforded an opportunity of observing with attention the workings of his mind, and his general deportment, under the very trying circumstances in which he was placed. It will also be apparent that any other biography of him less particular than this, must necessarily be included in every just account of the war, especially of that part of it which relates to the southern states. It was the original intention of General Lee, as we are informed in the first chapter of his Memoirs, to connect the biography of Greene, with his narrative of the southern war, and we doubt not he would have performed it with great fidelity; but fearing that longer delay would prevent his accomplishing either, he concluded to commence with the latter only.

We make these remarks, in order to show, that an interesting and useful biography of General Greene, and one that would do ample justice to his character and to the country

which he defended, is not so light a matter that it may be suddenly patched up, by any one, with scraps collected here and there from other writers. And we think they account in some measure too, for that supposed want of gratitude and true patriotism, with which Dr. Caldwell so hastily charges our countrymen, on the score of neglect in producing such a biography. On the other hand, we should feel great regret if they seemed at all to be offered as discouragements to the gentleman, to whom we alluded in the beginning of this article, as intending to undertake a life of Greene. From his well known character and abilities, we should expect just such a work on this subject as is wanted, and as we should delight to see. And we sincerely hope that he will not be deterred from undertaking it, from the apprehension that the field is pre-occupied; for we take it to be the chief excellence of Dr. Caldwell's book, that it does not, in the least, preclude the necessity of another; nor will be apt to interfere at all with its circulation.

But should other occupations, or a want of sufficient materials, prevent that gentleman from satisfying our wishes, we still apprehend, that notwithstanding 'our marked indifference,' our 'unrelenting neglect,' and the work now before us, General Greene's character will not essentially suffer.

The heroes and statesmen who achieved the independence of this country, are not to be forgotten, although no monuments should be erected on their graves, nor histories be devoted to the celebration of their actions. There is no want of clearer records and more durable monuments. This extensive continent, this vast and rising empire, is a magnificent and an eternal monument to their names. Every splendid city that is raised upon its surface is a new inscription to commemorate their deeds, every flourishing village and cultivated field a fresh memento of their worth.

They are not to be forgotten, so long as the active mind of man shall be gratified and improved by searching out the causes and the reasons of important revolutions, by observing the growth and decay of states, the advancement of civilization, the fluctuations of opinion, and all that can make him acquainted with the best interests of his species. They are not to be forgotten, so long as the fruits of their labours shall be enjoyed by their posterity; so long as our free institutions and happy government are continued to us, the immortal tes-

timonies of their disinterestedness—so long as reason and morality and religion hold their control over us. They are not to be forgotten so long as the records of the world shall impartially narrate the most memorable events of every age, and do justice to the evil and good of every country.

ART. XI.—*Sermons by the late Rev. J. S. Buckminster; with a memoir of his life and character.* 8vo, pp. 430, Boston, John Eliot, 1814.

IT is commonly stated as one of the causes why there is produced in our country so little which deserves attention, on the score of merely literary merit, that the talent of the country is mostly turned into the channels of the active professions. This implies that there is talent existing; and if it be just, as we believe, we may fairly expect to find compositions of professional men on subjects or occasions of a professional nature, of a high order of excellence. In the course of two of the professions and of public life, duties occur, which cannot be successfully discharged without literary accomplishments; and the very motive, which withdraws a man from the pursuit of literature for a business, urges him to bring his speech in the church, the senate, the popular assembly, or at the bar, as near as possible to the ideal standard of their several kinds of composition. We think the experiment confirms the theory; and that the best literary specimens we have to show are the speeches of our barristers and statemen, the lectures of our academical men, and the sermons of our divines. We have no better apology for having omitted, heretofore, to notice a work, which stands pre-eminent in the first rank of them, than that it was published before our labours began, and has uniformly, where it has been known, been held in a just estimation. We notice it now, not to dissent in any respect from the sentence, which the public has so emphatically pronounced, but because that sentence ought to be recorded. If what we say is just, it is no credit to our discrimination; we but repeat the general voice.

The difficulty of a preacher's task, we apprehend, is imperfectly appreciated. It is understood that the subjects which he must treat have no recommendation of novelty; but on

the other hand, it is thought that this novelty is only of consequence to a speaker, as a means of commanding interest, which interest is equally insured by the immense and eternal importance of the subjects of pulpit discourse. The course of argument it is allowed is so familiar, that the doctrine or the premises once announced, the minds of the hearers anticipate the method of proof, or arrive at the conclusion, before they are conducted to it; but this weariness of listening is supposed to be some how compensated to the speaker, by the ready assent which his hearers are expected to grant to him. If there is necessary to him a vast knowledge of character and motives, his studies and situation put him in the way of acquiring it; and though he must address himself to an audience comprising all varieties of information and refinement, of opinion, condition, and character, it is with topics, in the application of which, no such distinctions are to be recognized. It is thought, moreover, that he has advantages over other public speakers in these respects, that unembarrassed by the consciousness of being watched to be contradicted, he may express his thoughts with force and freedom, without those qualifications which are so hostile to the spirit of eloquence; that the deference paid to his office, which secures for his sentiments, at least, a candid reception, and the authority not to be disputed, by which, if he understands his business, he will take care to confirm what he utters, give him confidence; and that he is not limited by an unaccommodating subject to one style of composition or another, but may select such as will give propriety to an argumentative, a didactic, or pathetic strain, as his particular taste may dictate.

There is good sense in this, as far as it admits the difficulties which exist, but most of what is said on the other side is either not true in itself, or not true, as applied. It avails nothing, how interesting may be the subject, on which one speaks, unless its importance is felt by those who hear. It was one thing for Cicero to make a speech to the Romans, on the conspiracy of Cataline, within their walls: it would have been quite another to persuade them, that by continuing Cæsar at the head of their armies in the west, they were paving his way to the overthrow of the republic. So far is a preacher from being aided by any strong sense on the part of his hearers, of a personal concern in what he is urging on them, that he may consider his task in the main accomplished,

the moment this sense is felt. Men need direction in duty; but they need much more to be awakened to a sense of its obligation and importance, and this is only to be done by exposing to them a thousand false views and wrong biasses, which hinder the influence on them of acknowledged truth. These can be detected only by the most laborious observation and skilful search, and then require no less ability and care to exhibit them, so that they may be recognized. The awful sanctions of another life might seem an unfailing instrument of commanding an interest. But, awful as they are, they are familiar to the ear, if not to the thought; and it is an undertaking for the highest genius to find an avenue to the mind, where they will meet no obstacle, and may enter in all their overpowering strength.

That the subjects of pulpit discourse have, at all times, the same interest, is again an untoward circumstance to the eloquence of the pulpit. It imposes on the speaker the task of considering what he shall speak of, as well as what he shall say of it; and the former is commonly the more embarrassing question of the two. Other public speakers are relieved of this task. The point is given; it is for them to determine how it shall be approached. The time and spirits of the preacher must be wasted in selecting out of an innumerable variety, and very often with no principle of choice, a subject which of course will have after all no peculiar pertinency, and might as well be treated at another time as at the present. When it is chosen, his mind is not only exhausted by an irksome labour, but he is without that interest in the composition, and that direction to his thoughts which would be produced by the expectation of speaking what is pertinent and seasonable; and the hearer not only listens without the interest which belongs to a perception of correspondence between the discourse and the occasion, but actually comes to listen, possessed with the idea—suited above every other to cause an indolent attention—that what he is to hear may be spoken or listened to as properly at another time.

There is always, moreover, some variety in the subjects, which present themselves to the orators of the senate or the bar. The circumstances which make the matter of a debate are never twice the same, and this is a circumstance not more certain to fix the attention of those who hear, than favourable to the exercise and appearance of ability in those who speak.

They have facts unknown to the audience to produce, contested points to prove, adverse arguments to meet. These things insure an interest. A contest alone is sufficient matter for curiosity. The discourses of the pulpit, for the most part, admit only of the exhibition in a forcible and engaging manner of truths, which no one thinks of doubting; and this undertaking to make the mind feel the influence of that which it has already received, and entertains without emotion, is of all undertakings, within the compass of the art, the most discouraging, and seldomest successful. Discourses on doctrinal theology make sometimes an exception, and every one knows how much most easily they are composed, and how much most attention they can command. The preacher who thinks it his duty often to treat such subjects has lightened his task, and found the readiest way to reputation.

The effect of desire of victory in debate to put the faculties in strong action is obviously very great. The prospect of accomplishing an immediate and visible object has a similar influence. In addressing a popular assembly or a jury, one has in view to produce immediately a sensible testimony to his powers. Preachers, who aim at a sudden and observable operation on their hearers, have the same advantage, and the effect appears in the character of their modes of address. It is not conceivable, that Whitfield and preachers of his class would have employed so successfully the most impassioned style of eloquence, if they aimed only at an effect, which should discover itself in the distant actions of their hearers' lives.

The character of pulpit eloquence is again most unfavourably affected by the nature of the audience. They belong to no one class, and the same address can in no way be made the best for all. The same subject is important for one to consider, and not so for another. The style which the taste of some requires is too elevated or too humble for the rest. And this difficulty applies not only nor principally to the choice of words and structure of sentences, for in these good writers please at the same time the well informed and ignorant; but to the whole course of argument or remark. What seems acute to one, another calls unintelligible; and trite and useful, as applied to sermons, some appear to think convertible terms. Some men's wills are only accessible through their feelings, others only through their understandings. They

meet in the church, and the one sort or the other will probably go away unedified. If the first class are addressed, their prejudices are opposite, and while you have been producing a good effect on some of them, you have outraged the rest. If the latter, there is no set of premises in which they agree, and great part of your labour will thus be lost.

One other difficulty in the task of preachers deserves to be mentioned. They must not betray nor address the violent passions, the most excitable part of the constitution, and therefore that out of which the highest style of eloquence springs, and in operating on which the greatest fame may be easiest acquired. Invective comes with no grace from a religious teacher, nor is he permitted to excite any feelings except those of devotion and benevolence. This is a task exceedingly different from that of working an audience into a rage.

All these difficulties, essential to the art of preaching considered, we are not surprised at what we suppose will be allowed to be true, that there are fewer good specimens in this kind of composition than in any other, which has engaged men of equal abilities and accomplishments. The circumstance, which seems to have been felt as most embarrassing, is the tendency to triteness in the subjects and manner of discourse, and the desire of avoiding it has undoubtedly led to some of the principal faults of preachers. One would think that strict discriminating truth was necessary in nothing so much as in the representations of religious doctrines and duties. But strict truth is a dull homely thing, and eloquence requires animation and vivacity. The consequence is, that something better than reality is sought. An effect is aimed at, to be obtained by the strong lines of the picture, not by the fidelity of the likeness. Virtue is drawn in caricature; the prim stiff figure of the puritan; and truth is so arrayed, disguised with its finery, that common eyes cannot discern whether it is truth or falsehood. This is the worst effect of the ambition in preachers to be striking. But there is another more to our purpose. Doubtless a preacher's business is to consider first, what end he is to propose to himself, and then how that end will be best accomplished *with his audience.* The end of preaching is to engage men in the practice of religious duty, and this either directly by determining the will, or less so by informing the understanding. For the sake of avoiding the tedium of the old track, the very object of discourse has not

seldom been sacrificed, and that virtue wanting in the instrument, for the want of which nothing can atone, that of being adapted to its end. It is a beauty of a road to be smooth and shady, but this avails nothing to recommend it, if it does not besides this lead whither the traveller is going. And as to that consideration of the character of his audience, which one would think would be well weighed by a preacher, who meant to speak to any purpose, it is curious to observe how, for the sake of avoiding the beaten path, we must suppose, for we can conjecture no other reason, it seems to have been neglected. Origen fancied allegories, and Chrysostom polished the Greek period for the poor unlearned Christians of the third and fourth centuries; and the military heroes of the dark ages were entertained, when they had any thing in the shape of religious teaching, with the metaphysics of Aristotle and Augustin. When a better æra might be expected to have begun in England, Tillotson, of whose reputation he that can give an account is ingenious, was discoursing the veriest truisms in the loosest style in the high spiritual places of the kingdom; while the gifted Scotch were diving into the depths of foreknowledge and will, with a ragged auditory on a hill's side. The old style of English preaching was to exhibit the proofs of the divine authority and doctrines of religion to those who never doubted either, and of the French to urge the duties founded on these, on an audience who believed nothing of the matter.

However it be with the French, the English style of sermon writing exists no longer, or at least in any shape worthy of its former fame. The sermons that come over to us now are written mostly in a style to show that the rival school has triumphed. We cannot be supposed to be biassed by the execution of them, which is not often such as to excite a favourable prejudice, when we say that we think the change an indication of better taste. We know what we are hazarding when we confess, that the direct, animated address of the French preachers seems to us altogether better suited, than the didactic manner of the English, to make the hearing of sermons a profitable employment. We are very little satisfied with the plea commonly made, that the English sermons are compositions for thinking men, and have in them abundance of argument and sagacious remark. That they are compositions suited to thinking men is no praise to them as sermons; for the audiences for which sermons are prepared

are but in small part composed of such. But we go farther, and own that in our view even the advantage in argument is decidedly on the side of the French preachers, if it be any merit in an argument to be compressed, yet clear, and effectual, though unpretending. We do not value other forms of arguing more than the disgraced syllogism, and are willing to let a man convince us in the way which seems to him best, though it be without any pretence of premises and deductions. That way of reasoning is to be perferred which is best fitted to produce conviction. A preacher finds that if he would effect any thing with an audience such as he addresses, the burden of fixing and sustaining their attention devolves on himself. It is desirable that his arguments therefore be striking in form, as well as cogent in matter, and no means of making them so is to be neglected. If by grounding them on present sensible objects, or stating them in a vehement expostulation, or clothing them in rhetorical embellishments, he can urge them with best effect, it is an advantage not to be lost, and to have a quick discernment of such opportunities is so far to be skilled in the art of preaching. It seems to us that the sentence with which one of the French preachers began with his hand on the bier of a king—my friends, there is nothing great but God—had in it not only more eloquence, but more argument than any form of English words in which we have seen the same sentiment conveyed. For another example; what parade of statements and inferences would be likely to produce an effect equally powerful, or in fact would contain equally powerful reasoning, with that celebrated passage in Massillon's Sermon on the small number of the saved, in which he supposes the day of judgment already arrived, and asks his hearers who of them, if the heavens were to open that moment above them, would expect to be found among the just.

We hope we shall not be misconceived to deny the merit which the English sermons really possess, because we cannot grant that they have the highest. The strong sense, the discriminating views of duty and religious truths, the just estimates of character, and acute investigation of motive which some of them exhibit are virtues which stand clear of the defect in composition, which seem to us evident and great. Still as long as it is the object of preaching to awaken and inform the conscience, whatever is not best fitted to this end,

pleasant and improving performance as in other respects it may be, is not the best sermon. It is not enough to furnish matter of reflection for the wise. There must be something also to attract the simple, and even the wise require something more than that provision be made for them.

The prejudice against that style of pulpit eloquence which we regard as the highest is, we think, owing to the difficulty of succeeding in it. In this, as in other attempts in which success is reserved for great powers, there are fewer who succeed than fail. Those who mean that they do not like the show of eloquence without the animating spirit will meet no opposition from us. We are defending those only who are equal to what they attempt. We admit that for most public speakers plain modes of address are best, but the reason we give for it is, that the less the pretension, the less disgraceful the failure, and it is because we consider the French style of pulpit eloquence the highest, that we think few good specimens of it are likely to be exhibited.

We were going on to say when we fell upon this long digression, that a preacher in this country has other difficulties to contend with than those essential to his task. The founders of our religious institutions were persons much engaged in religious contemplations and exercises, and their spiritual guides naturally attained an influence which engaged them in arduous public duties, and were objects of a reliance and regard which caused their society to be prized and sought. The clergy were made advisers in political and civil matters as well as those of a more private nature, and the care of education was principally committed to them. They were expected to be personally acquainted with each of their charge, to be always accessible and to be always at hand when the wants or wishes of any of their charge required. The demand was a very proper one, for they who made it took wise care to enable it to be met. They remembered that their clergy to be respected and useful, must be learned as well as busy, and they allowed that study is necessary to learning, and leisure to study. They did not build thirty log-houses and a meeting-house in the midst, that they did not provide two pastors. The duty, great part of it has continued and on the whole vastly increased since their time. There is one congregation in this state at least composed of more than three thousand persons. The clergy are still liable to a va-

riety of public duties. They still keep up that familiar intercourse with their charge, which of itself takes up no small share of the time of one man. They are commonly active members of religious and benevolent societies. They are intrusted in a great measure with the direction of education from the university to the parish school. But while the task has continually increased, the corresponding practice has gone by degrees into disuse, and we know of scarce a parish in the commonwealth where the duty during the whole year is permanently shared between two persons.

Now it is not that the time, which is necessary to mature the preparations of a public speaker is in chief part consumed by other engagements, but yet more, that the mind is rent by such a variety of important cares, some of them too of the most exhausting kind, and incapacitated, except in very happy moments, from giving an undivided intense attention to any one. The consequence must be that something will be neglected, and much done languidly, or else in minds of peculiar excitability, an unnatural tension will be kept up for a time, which will soon however wear out the frame. If any are disposed to reply, that in such a duty no man's animation can fail, they may be reminded, what it is never worth while to forget, that earth enters into the composition of man, and that the spirits of the most conscientious will flow and ebb, their minds kindle and cool, their nerves be braced and relaxed like other beings. We have no doubt of the ability or the zeal. We but ask the question, whether the mind is constructed so as to work freely under such a pressure.

To this is to be added, that the great demand in this profession calls very young men into it. And there is no noviciate for them. There is no simultaneous growth as elsewhere of duty with improvement, but they plunge at once into the midst of their most arduous duties. Under a variety of untried embarrassments, preparation must be made for two public appearances during the week, and each week at least the thoughts be turned into an entirely different channel. The great preachers of France, except on special occasions, preached only at Christmas or in Lent, and their sermons were the slow compositions of weeks of leisure. Many of the English divines are entitled by their station to the same privilege, and very many more avail themselves of it without this right. Paley's advice to the young clergy of his diocess is, if they

find themselves unable to compose a sermon a week, to try to compose one every month; and Dr. Doddridge says that two hundred sermons are enough for a life. No where, in fact, is the task of the clergy so great as here, and no where, but in Scotland, approaching to it. And this, too, in a country where the practice of translation has scarcely yet gained any footing.

Worse than all, the hardship of want of opportunity for close, long-continued attention is one, we fear, felt with peculiar severity by precisely those persons, from whom the public ought to hope the most. There are minds perhaps so framed, as always to perceive distinctly at a first glance. But in general we suppose the views of a profound and original thinker present themselves dimly at first, and only come to be well defined in the thoughts after a close observation. Give a man of this character time to trace his hint, to follow it into its consequences, and make it familiar in short to his own view, he will exhibit it in the clearest light to others. But hasten him, he will either give you his really valuable thoughts in the rude obscure state in which they as yet exist, in his own mind, or else views as trite as you would have from other men, and offered in a still less tolerable dress, because he is not used to triteness and is impatient of it. The best intellectual mechanism that ever was put together, if you will not wait its movements, will either turn out half formed ideas, or the old hackneyed ones in the same shape in which it received them.

No more need be said to show, that the life of the clergy is with us more an active than a studious life, and that it would be matter of surprize if their productions should often bear the marks of that laborious correction, which a literary leisure admits. But there are not many evils without a balance. Every occupation with us, even the most retired of the professions, is made a school of that practical talent which distinguishes the character of our country. The avocations which take a clergyman from his books, lead him into the world of men, and force him to an acquaintance with the condition, characters, opinions, and needs of those whom he must address. They make him a student of men and life. He finds a salutary exercise to his powers, in intercourse with men of different pursuits, and gains influence, if he deserve it, by contributing his opinions on equal ground with them, on subjects of common interest. More than all, he brings to the

aid of his other motives to diligence and earnestness the force of personal attachment, which breathes into his addresses that tone of sincerity and feeling, which cannot be counterfeited, which can scarcely be dispensed with, and which can neutralize almost every fault. To these causes it is owing, that scarcely any foreign sermons, which we read, compare with many which we hear, for directness and closeness of application, and we are pleased to learn from those of our friends who have had means of judging, that the standard of preaching is no where higher than with us.

We do not forget that we are to remark on the writings of one who furnishes the most signal example of a victory over those unfavourable circumstances in the situation of our clergy, which seem to condemn them, like the rest of our professional men, to a practical, scanty, superficial learning. That Mr. Buckminster was thus distinguished, that it is not only as a preacher that he has been known, and been useful, was owing to no exemption from the common duties of a laborious profession, but to advantages wholly personal. He possessed very uncommon qualities of mind, and, what is more, in a singularly happy combination. A full and just account of his intellectual character and habits has been given by the lamented author of the very interesting biography prefixed to the volume of his sermons, and there is nothing which we could add to it. The trait which perhaps will be remarked as the most uncommon, is the union of such inventive powers, as he possessed, with such powers and taste for study. Minds fertile in their own resources are often impatient of the labour of appropriating to themselves the thoughts of other minds, and fall of course into the eccentricities, which nothing will keep in check, except a regard to that compromise of opposite judgments, and result of the common judgment, which is called good taste. And on the other hand, men, who have indulged themselves in that comparative indolence of the mind when it is receiving ideas from another, not only have its original bent restrained by culture, but are apt to contract a dread of the severe effort of invention. When neither consequence appears, the most eminent and useful men are formed, and one of these was the author of this volume. His ardent love of learning discovered itself at the earliest period, when the mind shows its tastes, and to the extent that the constant calls of professional duty admitted, he was always, even in the

more active years of his life, a laborious student. He had the benefit of the best opportunities of education, which our country furnished. He pursued his preparatory studies at the excellent classical school in Exeter, N. H. under the care of Dr. Abbot, his academical at Cambridge, and passed four years of close application afterwards in professional preparation. For an account of his favourite pursuits we refer to his biography, and for the rank which he held in our world of letters, we give the authority of one of the very few who, on such a question, are authorized to pronounce an opinion. 'There is no question,' says the editor of the Repository,* 'that he was one of the most eminent men, whom our country has ever produced. In my opinion he was far beyond all rivalship the most eminent literary man of all those of whom she retains only the memory.'

He came forward into life with the marks of eminence and usefulness upon him. In any sphere they must have been his destiny. It could not have been but that in any sphere he would have been one of those who give a direction to the views, and a character to the history of the society in which they live. In fact, this volume, which is the proof of what he was as a preacher, fills but a very small part of our recollection of him. We look at it as Michael Angelo did at the famous fragment of antiquity. It is but a part, but it tells what the whole was. His influence as a preacher will be far beyond his life; nay, infinitely far beyond the term of any life. But it is not in this character that he will be most conspicuous in the history of our country. His success and countenance gave an impulse to literature among us, which, every year since he first became the boast and wonder of our little literary republic here, has been increasing, and of which our country will in time acknowledge the debt. Had he had less love of letters and less learning, the enthusiasm which he excited would have been a mere personal tribute, and perished with him; and had he possessed fewer of those qualities which set a mark on all that he did and loved, the hopes of learning would have owed him less.

When we say then that Mr. Buckminster was the author of what upon the whole we account the best specimens in our language of a difficult kind of composition, we speak but a small part of his praise. Yet as a preacher it is that he must

* Vol. ii. p. 306.

become known to those who knew him not, and the profession of his choice was that for which nature and circumstances had formed him. In any he would have gained a fame and an influence, but in any other than this part of them would have been lost. In the family of his venerable father, the most distinguished among the clergy of a neighbouring state he took the bias which determined his life as early perhaps as any predilection develops itself, and which gave a direction and a colour to all his subsequent pursuits and views. Had he lived a mere scholar's life, he would have produced indeed what would have been admired and useful, but the power of the orator would have been unfelt. His imagination, wonderfully fertile and well governed as it was, marked him for that province of eloquence which must elevate the ideas of the intellectual, and aid the conceptions of the humble. The unrivalled power of attaching which he possessed, would not have been in any other sphere of public life so important an auxiliary to his other means of being useful, and we shall not be misapprehended when we say, that his exquisite perception of moral excellence and the worth and attraction of his own character would in no other sphere of action have benefitted the public so much as in the sacred office.

The volume before us contains as we have said the best sermons of which we have any knowledge. They are written in a style of the most polished elegance, and if they seem best fitted for the more cultivated class of hearers (for such would naturally be selected for publication) yet they are brought down by the clear well-defined current of thought, to the comprehension of the humble. There is nothing in them of the bad taste of excessive ornament. You see in them indeed the fruits of an imagination familiar with all forms of grandeur and beauty, and abounding too in classical resources, for he had drunk deep at the fountains of antiquity, and drawn thence the living spirit. But there is no noisy, useless torrent of imagery. They show an intimate knowledge of character; a delicate discrimination of duty; a strict fidelity to truth, and independent uncompromising assertion of it. They breathe above all an enthusiastic, contagious love of religious goodness, and he who can read them without feeling the ardour of virtue kindle in him, has not it seems to us an imagination to be raised nor a heart to be warmed. The biography of the author notices as a peculiarity of his manners a cer-

tain directness and absence of disguise. It appears in these writings. They speak impressive truths as they should be spoken, in solemn, direct, impressive, fearless language. They are what sermons ought to be, perspicuous expositions of religious truth, animated representations of the excellence and happiness, and hopes of the religious life, and direct appeals to the conscience.

When we began this article, we fully designed to give a discriminating character, as far as we were able, of this volume, to defend the opinion we entertain of it, and as became us in our official capacity, to find or pretend to find its faults. Our readers must pardon us that, as at last we have discovered we cannot accomplish our design. We did not imagine, till we attempted it, the difficulty of talking in set phrases of criticism of one surrounded with a glory in our minds, which will not let us see his faults, nor even take the proportions of his merit. We should better have left the task of doing both to those who never knew or heard him. When they have assigned to this volume the rank which it may be thought to hold among productions of the kind, they may remember in aid of their estimation of its author, that it is the posthumous work of one who in his minority was engaged in the duties of an arduous public station, and died on the threshold of mature life. They may be told too that when they have imagined what effect such a speaker might produce, their imagination, we must believe, falls far from what is in the memory of us who witnessed it. Part of the art of the orator dies irrecoverably with him. It is a narrow estimate of intellectual power which recognizes it in one of its ways of exhibition. The high fancy that illuminates the profound path of thought, irradiates the speaking eye. The keen feeling that indites the pathetic sentence, tunes the melting voice. But there are no marks to perpetuate these, no musical scale to preserve the subduing tone of deep emotion; no living likeness of the heaven-illumined face, caught in moments of religious inspiration. These are lost; but they who have seen or can fancy the effect of the most solemn and encouraging truths, conveyed in their most striking and engaging shape, pronounced with the tones which know their way from heart to heart, by one whose idea was almost identified with whatever is to be admired and loved, will be able to conceive something of our recollections of Mr. Buckminster.

QUARTERLY LIST OF AMERICAN PUBLICATIONS.

HISTORY.

Collections of the Massachusetts Historical Society. Vol. VIII of the second series, 8vo, $2. Boston.

GEOGRAPHY.

The American Universal Geography; or a view of the present state of the kingdoms, states, and colonies in the known world. By Jedidiah Morse, D. D. 8vo, 2 vols. $9. Charlestown.

Introduction to Ancient and Modern Geography, on the plan of Goldsmith and Guy; comprising rules for projecting maps. With an Atlas. By J. A. Cummings. 7th edition. Boston.

NATURAL HISTORY AND CHEMISTRY.

A Geological Section of the west bank of the Hudson river, from Sandy Hook to Newburgh. 75 cts. New York.

Exposition of the Atomic Theory of chemistry and the doctrine of Definite Proportion. By W. J. Macnevin, M. D. 75 cts. New York.

A System of Chemistry, for the use of students in medicine. By Franklin Bache, M. D. 8vo, $3,50. Philadelphia.

LAW.

Reports of Cases Argued and Determined in the Supreme Court of Judicature of the state of New Jersey. By Samuel L. Southard. Philadelphia.

Reports of Cases Argued and Determined in the Circuit Court of the United States, for the Third Circuit. Vol. I. By Richard Peters Jr. Philadelphia.

Reports of Cases Argued and Determined in the Superior Court of Judicature, for the state of New Hampshire, from Sept. 1816 to Feb. 1819. By Nathaniel Adams.

Reports of Cases Argued and Determined in the Supreme Judicial Court of Massachusetts. Vol. XV. By Dudley Atkins Tyng. Boston.

Reports of Judicial Decisions in the Constitutional Court of South Carolina, held at Charleston and Columbia, 1817 and 1818. Published by virtue of the act of Assembly and under the sanction of the Judges of the said court. 8vo, 2 vols. $10. Charleston.

The Magistrate's Guide and Citizen's Counsellor; adapted to the state of Maryland. Second edition improved. By J. B. Calvin Esq. Georgetown, Col.

MEDICINE.

A statement of the occurrences during a malignant yellow fever in the city of New York in 1819, with a list of cases. 50 cts. New York.

Reflections on Yellow Fever Periods, or an Investigation of the question, whether the yellow fever can originate in this country. By Lyman Spalding, M. D. 25 cts. New York.

A Discourse on Medical Education, delivered at the College of Physicians and Surgeons of the University of the State of New York, April 6, 1819. By Samuel Bard, M. D. LL. D. 25 cts. New York.

A history of the introduction and use of Sartellaria Lateriflora, as a remedy for hydrophobia. By Lyman Spalding, M. D. 37½ cts. New York.

Medical and Philosophical Essays. By J. L. E. W. Sheart, 8vo, $2,25. Charleston.

DIVINITY.

A farewell sermon, delivered in the Presbyterian Church of Fayetteville, N. C. By Rev. Jesse H. Turner. Fayetteville.

The Christian's Vade Mecum. By Hooper Cumming, A. M. 12mo, $1. Albany.

Sabbath School Catechism, containing all the chief doctrines of religion. By Nathan Perkins, D. D. 20 cts. Hartford.

The Claims of Seamen; a sermon before the New York Marine Missionary Society. By E. D. Griffin, D. D. 25 cts. New York.

Letters to the Rev. William E. Channing, containing remarks on his sermon. By Moses Stuart, Assoc. Prof. &c. Third edition, corrected and enlarged from the second. 37½ cts. Andover.

The Widow and her Mites; a sermon preached Nov. 7. 1819. By Rev. James Milnor, D. D. 25 cts. New York.

POETRY.

The Fatal Jest, a tale, and other poems. By Moses Y. Scott. 62½ cts. New York.

Fanny, a poem, 50 cts.

The Deaf and Dumb, a poem. By Moses Y. Scott. 25 cts. New York.

The Art of Penmanship, in verse, with numerous plates. By J. M'Cready, author of Drawing and Painting, a poem, $1,50. Baltmore.

The Exile's Return, a tale, in three cantos; with other pieces. By a South Carolinian. $1. Charleston.

Mississippian Scenery. 12mo. Philadelphia.

POLITICS.

Considerations in favour of the appointment of Rufus King to the senate of the United States; submitted to the republican members of the State of New York, by one of their colleagues. Albany.

The North American United States constitution explained. By William Davis Robertson, 50 cts. New York.

An Examination of the Expediency and Constitutionality of prohibiting Slavery in the State of Missouri. By Mavor. 25 cts. New York.

An appeal from the Judgments of Great Britain respecting the United States. By Robert Walsh Jr. 8vo, $3. Philadelphia.

A Review of the Administration and Civil Police of the State of New York, from the year 1807 to the year 1819. By Ferris Pell, Esq 62½ cts. New York.

An Appeal to the people of the State of New York, on the expediency of abolishing the Council of appointment. By Charles G. Haines, Esq. New York.

Thoughts on the Constitution of the State of South Carolina. By one of the people, 50 cts. Charleston.

COMMERCE.

A Memoir on the Commerce and Navigation of the Black Sea, and the trade and maritime Geography of Turkey and Egypt; with a volume of charts. By Henry A. S. Dearborn. 8vo, 2 vols. $9. Boston.

A treatise on impost duties and prohibitions of Foreign merchandize. By M. le Comte Chaptal. 31 cts.

VOYAGES AND TRAVELS.

A voyage to South America, performed by order of the American government in 1817 and 1818. By H. M. Brackenridge, Esq. Secretary to the Mission. 8vo, 2 vols. $5. Baltimore.

Travels through the Western Country, including notices of the Natural History, Topography, Antiquities, Agriculture, Commerce, and Manufactures. By David Thomas. Philadelphia.

MISCELLANEOUS.

The metaphysics and philosophy of language. By Peter S. Charotte. Philadelphia.

Sketches of the life, ministry, and writings of the Rev. Stephen West, D. D. late pastor of the church in Stockbridge. By Rev. Alvan Hyde, D. D. 12½ cts. Stockbridge.

Essays on Agriculture, from the Raleigh Register. By Agricola. 12mo, $1.25. Raleigh, N. C.

Address to British Emigrants, July 13, 1819, and Reply to William Cobbett. By Morris Birkbeck, 25 cts. New York.

The Sketch Book. By Geoffrey Crayon, Gent. No. 4. New York.

Inaugural Discourse, delivered in the University in Cambridge, December 8, 1819. By Edward T. Channing, Boylston Professor of Rhetoric and Oratory. 8vo, 25 cts. Cambridge.

An Address delivered before the Massachusetts Agricultural Society, Oct. 12, 1819. By the Hon. Josiah Quincy. Boston

Address of the Philadelphia Society for the Promotion of Domestic Industry, to the citizens of the United States. 8vo, 25 cts. Philadelphia.

Same work, Boston.

Report to the Managers of the Society for the Prevention of Pauperism in New York; by their Committee on Idleness and Sources of Employment. 8vo. New York.

SCHOOL BOOKS.

The Pronouncing Spelling Book, in which the sound of every syllable is conveyed, by placing over such letters as lose their sounds the letters whose sounds they receive. By J. A. Cummings. Boston.

A Compendious System of Geography. By Jacob Willetts. Philadelphia.

AMERICAN EDITIONS OF ENGLISH WORKS.

The London Medical Dictionary. By Bartholomew Parr, M. D. 4to, 2 vols. $25, bound $30.

Roman Antiquities, or an Account of the Manners and Customs of the Romans, By Alexander Adam, LL. D. Revised, corrected, and illustrated with notes, by P. Wilson, LL. D. $3. New York.

The Poetical Works of Alexander Pope; with the commentary and notes of Warburton, a new edition, 12mo. 3 vols. Philadelphia.

Oakwood Hall, a novel. By Catherine Hutton, 12mo, 2 vols. $2. Philadelphia.

Fredolfo, a tragedy in five acts. By C. B. Maturin. 37½ cts. Philadelphia.

European Commerce, or Complete Mercantile Guide to the Continent of Europe, comprising an account of the monies, exchanges, weights, and measures, tariffs of duties, and local regulations of the principal cities. By C. W. Rördansz, 8vo. $3,50. Boston.

Elements of Experimental Chemistry. By William Henry, M. D. F. R. S. from the 8th London edition, 8vo, 2 vols. Philadelphia.

Decision, a tale. By the author of Correction. 12mo, 2 vols. $2. New York.

Moral Sketches of prevailing Opinions and Manners. By Hannah More. 2 editions; 12mo. $1, and 18mo, 2 vols. $1,50. Boston.

Same work, 2 editions; 12mo, $1, and 18mo, 2 vols. $1,50. New York.

Reflections on Prayer, and on the errors which may prevent its efficacy. By Hannah More. 88 cts. Philadelphia.

British Encyclopedia, or Dictionary of Arts and Sciences. 8vo. vol. I to VI. $3 per vol. Philadelphia.

The British Poets, a New Collection, in fifty volumes, with engravings, 18mo, vols. I to XIV, $1,25 per vol. Philadelphia.

Johnson's Dictionary, with Walker's Pronunciation. Part 4th. $5 each part.

INTELLIGENCE.

[We reprint for the gratification of our readers the prospectus of a work which has since, we believe, appeared. We regret that our limits have obliged us to omit some parts of it.]

De editione fragmentorum antiquissimorum Iliadis Homeri cum picturis nuncius prodromus. Angelus Mais, Bibliothecæ Ambrosianæ a Linguis Orientalibus lectori salutem.

——Duos Vaticana dedit antiquos eosdem et nobilibus tabulis exornatos, Virgilium atque Terentium, alterum Virgilium Laurentianæ et denique tum Latinum aliquid, tum plures auctores Græcos papyri Herculanenses ad nostræ ætatis commendationem in lucem protulerunt.

Sed qui *priores Mæonius tenet sedes Homerus** in Mediolanensi Ambrosiana Bibliotheca adhuc latebat: non ita tamen ignotus, ut etiam sagaces et eruditos oculos sapientium Collegii Doctorum effugeret. Namque hi et tam pretiosum κειμήλιον feliciter detexerant, et pro rei dignitate suspexerant, ejusque notitiam doctis aliquot per Italiam viris impertiti jam fuerant. Cum autem ego beneficio et nutu Excellentissimi Comitis Gilberti Borromæi, quem honoris amplitudinisque causa nomino, tum invitatu etiam cæterorum Ambrosianæ Conservatorum, quos grato animi sensu semper colam, ad eamdem Bibliothecam accessi, nihil antiquius habui, quam ut in Codice tam admirando studia et cogitationes defigerem. Quumque sententiam præfecti doctissimi et optimi *Petri Cigheræ* ad editionem moliendam conspirare viderem, cœpi protinus venerandas Poetæ maximi reliquias e suis involucris et latebris patienter evolvere. Multæ interim editionem operis causae moratae sunt, quarum non minima ea fuit, quod ingens pecuniae vis ex aerario Bibliothecae non magno esset proferenda. Nunc vero opere ad calcem prope deducto, quae sit ejus natura et ratio, quantaque ad rem litterariam augendam opportunitas, breviter, ut in nuncio prodromo, exponam.

Fuit antiquissimus quidam et splendidus Graecus Codex, in quo tota Ilias Homeri continebatur, litteris grandibus ac speciosissimis scripta, tum etiam picturis rerum gestarum idoneis exornata. Atque is liber tanta scilicet erat commoditate, quantam lectio simul et opportuna inspectio suppeditant; tam vetere atque erudito artificio, ut picturae genus a tam antiqua poesi non abhorreret; tanto volumine ac pretio, nt conjicere liceat, eum non ad hominis privati usum, sed ad amplissimi principis oblectationem

* Horat. Carm. lib. IV, Od. 9.

fuisse instructum. Sed enim, quae rerum humanarum conditio est, labentibus saeculis, sive is Codex vetustate fatisceret, sive ad dominum excordem et plane stolidum venerat, ita in frustra concisus est, ut tabulae quidem ad oculorum blandimentum, saltem plurimae retinerentur; totum autem interpositum carmen abjiceretur; immo et illud, quod in postica pictae membranae parte supererat, bombycinis chartis obtegeretur. Quia vero subducto oculis carmine, quid quaeque tabula exprimeret, non satis accurate liquebat, bonus ille Codicis sector tum bombycinis integumentis scholia graeca vetera inscripsit, quae ad picturae argumentum declarandum plerumque pertinerent; tum ipsis tabulis rubricatas epigraphas levidensi nec erudita opera adjunxit. Atque ita Codex inter homericos omnes vetustate et artificio longe nobilissimas, maxima sui parte minutus, carmine obtecto, picturis multis amissis, aliquot etiam carie terebratis, plane ut ille olim Vaticanus Virgillus, ad conditionem miseram deplorandamque devenerat.

Sed numquam tam male est rebus praestanter insignibus; quin aliquid pristinae bonitatis dignitatisque retineant. Injuria licet temporum atque hominum Poetae principis membra adeo violata jacerent, tamen eorum fulgore collucere quodammodo atque illustrari Ambrosiani plutei videbantur. Ex tam spatioso volumine LVIII. supersunt Fragmenta, in quibus picturae quidem sunt totidem, versus autem homerici ad DCCC. Porro sors tulit, ut quae supersunt pictae tabellae, eae per totam Iliadem a I. ad XXIV. librum procurrant, exceptis III. XVIII. XIX. et XX. libris, quorum et carmen et picturae cunctae interciderunt. Jam vero in tot tabulis (ut de his primum dicamus) stupenda quaedam infinitarum imaginum copia est. Nam sicut Homerus immensa praeditus ingenii vi cunctam paene naturam poesi sua complexus est, sic noster Pictor dum homericae mentis divitias explicare nititur, artem prope universam exhausit. Atque is utinam ut uberе imaginandi facultate pollebat, sic etiam exquisitissima manu usus esset! Verum picturae, etsi nonnullis ex iis vitiis laborant, quibus nec alia veterum monumenta aliquot carent, sunt tamen artificii non contemnendi. Nam et a rigore sequiorum temporum absunt: tum innumeros habent et varios figurarum motus, vultus plerumque argutos, animorum indices, vestes sinuosas: sensus item hominum et perturbationes haud rare exprimuntur. Omnino Pictor et membrorum symmetriam et lumina et umbras et eminentias et spatia et variarum imaginum conflictus non infeliciter effinxit. Laus caeteroqui harum picturarum praecipua est illa certa ac perpetua morum et proprietatum expressio, et ad veteres consuetudines severissime exacta. Quae res ad comprobandam Codicis antiquitatem mirifice prodest. Quum enim tot adeoque dissimilium inter se rerum figurae propositae sint, nihil autem in iis recentis vel inventionis vel usus appareat; immo vero omnia cum veterum monumentorum natura formisque consentiant; fieri non potest, ut ea pictura barbaris et inficetis temporibus elaborata sit.

Et de picturis quidem, quarum in nostra editione vel maximum momentum est, paullo fusius egimus. At de carminum magnifica palaeographia, cujus etiam breve specimen, etsi oppido rudius quam est in Codice, e nostris schedis Lipsiae vulgatum fuit,* pauca monere sufficiet. Qui dicuntur esse in Bibliothecis homerici codices, eorum nullus, quod sciam, saeculo fere X. non est recentior. At nostra Fragmenta quanto denique intervallo praecedunt! Et scriptura quidem est plane mirifica, litteris uncialibus et quadratis, verbisque more antiquo continuis, sine accentibus,

* Leipziger Literatur-Zeitung 25 July 1812.

sine spiritibus : nam qui in Codice interdum apparent, ii a posteriore aliqua manu appicti sunt : quod et recentius atramentum, et rudiores ductus ostendunt. Calligraphia vero tanta est, ut neque in Herculani papyris, neque in operibus diplomaticis, ubi codicum græcorum specimina etiam IV. aut V. seculi eduntur, neque in antiquissimis Ambrosianis aliis codicibus, quicquam simile facile occurrat. Denique de natura textus hoc notamus, eum in multis Aristarchi recensionem sequi, quod perpetua Venetorum scholiorum collatione cognovi, non raro tamen ab Aristarcho recedere, et Zenodoti quoque lectiones interdum exhibere.

Quamvis operi nostro tam antiquæ præstantisque picturæ ac scripturæ editio satis pretii ac decoris afferre videretur, haud tamen nostra sedulitas intra hos terminos se cohibuit. Præter illud insigne χειμηλιον. de quo hactenus locuti sumus, ingens in Ambrosianis pluteis homericorum codicum copia est, quorum alii membranei, alii bombycini, alii linei, universi autem intra XII. et XVI. sæcula conscripti videntur. In his codicibus non solum innumeræ lectiones optimæ latent verum etiam glossae, et scholia, et argumenta, et historiae, et allegoriae, et metaphrases, aliae ad verbum, aliae liberae, quorum multa quum sint inedita, nos partim integra in lucem educemus, partim ita illustrabimus, ut quidquid ea bonae frugis ad exornandum Homerum conferre possunt, id doctorum respublica non ignoret.

Quod autem hoc opus homericum bonarum artium studiosis singulariter profuturum sit, id ego quidem tam habeo persuasum, ut verear ne lectorum ingeniis videar diffidere, si de re tam perspicua prolixius disseram. Nam ad antiquitatis cognitionem seu firmandam seu corrigendam, quantum conferent hae picturae ? in quibus paene incredibile est quam multa et quam praeclara ejus generis sint. Quantum scriptura antiquissima ad palaeographiam, orthographian et puriorem Iliadis recensionem intererit ? Quantum denique opes codicum tot plane intactorum eruditionis thesauro cumulum imponent ? Quod si exteri homines idcirco maxime Italiam olim visebant, quod cum haec regio florebat fortuna et copiis, praeclara artificia et codices eximios in ea esse sciebant ; nos quoque aliquam gratiam apud eos inire speramus, quorum oculis et studio tam uberem spectandi proficiendique materiam sublato omni incommodo suppeditamus.

Mei igitur operis haec ratio est. In prolegomenis quidem de Picturarum antiquitate praestantia atque utilitate, nec non de Fragmentis carminum preciosissimis disseram : tum etiam de reliquis Ambrosianae Bibliothecae homericis manuscriptis accurate dicam. Sequentur LVIII. Picturae cum suis singulae declarationibus : tum carminum Fragmenta totidem, quorum unum aere expressum, Autographi specimen erit, reliqua grandibus litteris edita, splendidam Codicis calligraphiam, quoad licebit, imitabuntur : criticas autem unicuique fere Fragmento notas adtexam. Tum denique in operis calce plurium codicum homericorum selectas lectiones, e' inedita scholia, et paraphrasium, atque hujusmodi veterum illustrationum saltem excerpta, ad Principis poetarum ornatum, criticaeque incrementum collocabo.

Scribebam Mediolani in ædibus Bibliothecæ Ambrosianæ Kalendis Quintilibus MDCCCXIV.

NORTH AMERICAN REVIEW

AND

MISCELLANEOUS JOURNAL.

N°. XXVII.—*New Series* N°. II.

APRIL, 1820.

ART. XII. *Versuch über die maltesische Sprache zur Beurtheilung der neulich wiederhohlten Behauptung, dass sie ein Ueberrest der altpunischen sey, und als Beytrag zur arabischen Dialectologie.——Essay upon the Maltese language; by way of examination of the hypothesis lately revived, that it is a relic of the ancient punic language, and of contribution to Arabic dialectology, by Dr. William Gesenius, Professor in the Gymnasium of Heiligenstadt* Leipsic, 12mo, 1810.

THE people of Malta are a distinct race from the other inhabitants of Europe. The common peasantry of the island speak a dialect having considerable affinity to the Hebrew, and of course belonging to what are called *Semitic* languages. The languages comprehended under the denomination of Semitic are the Hebrew, Chaldaic or East Aramean, Syriac or West Aramean, Arabic, Ethiopic, and Samaritan. The Phenician may be considered as a seventh branch of this stock. These dialects bear about the same relation to each other, that the German does to the Dutch, or the Spanish to the Portuguese. Many of these dialects, it will be seen, are highly interesting on account of the people who spoke them, and the monuments of ancient literature which they contain. Two of them, the Hebrew and Arabic, contain the depositories of religion, for a considerable portion of the globe. The name itself, Semitic, we scarce need add, is derived from that of the eldest son of Noah, the reputed ancestor of the nations, by whom the languages mentioned were spoken.

As the Phenicians, who were neighbours of the Hebrews

and spoke a kindred dialect, visited Malta at a very early period, and sent colonies thither, and were afterwards succeeded by the Carthaginians, who originated from Phenicia, an opinion very naturally suggested itself to the learned, that the present Maltese tongue might, in fact, be the remains of the ancient Phenician, and, what is nearly the same, the old Carthaginian or Punic. The supposition was very plausible in itself, and promised results highly gratifying to the literary world. The Phenicians were perhaps the first among cultivated nations. They were an enlightened, commercial, opulent, and literary people, when the rest of the world were hardly acquainted with alphabetical writing. Every thing pertaining to their history and their language has interested the historian of antiquity and the philologist. But the monuments of this people are few and scattered.

Dr. Bellermann, the learned director of the Berlin-Cologne Gymnasium, who has devoted perhaps as much time to the study of the Phenician remains, as any living scholar, recommends, in the first of a series of programs on this subject, published in 1812, the formation of what he calls a *Thesaurus phœnicio-punicus*, intended as an imitation of the works of Gronovius and Grævius, and to contain all that we have of Phenician Antiquity, and all that has been written in illustration of it.—But in the very proposal of the work, he betrays the scantiness of the materials, which are to fill it, as far as they are to consist of remains of the Phenician language, to which scantiness of materials, the abundance of the commentaries on them, as is usual in the learned world, stands in inverse ratio. As the Program of Dr. Bellermann is rarely met with out of Germany, we venture to translate the following long passage from it, for the benefit of such of our readers as are keenly interested in the native language of Cadmus and Hannibal, and who may wish to know, in brief, what remains to us of this language, and to what degree it has attracted the attention of modern scholars.

'The Thesaurus pænicio-punicus,' says the doctor, 'should, in my opinion, contain 1. The sources, 2. The ancient accounts, 3. The modern labours upon these materials. There should, therefore, be collected all the *inscriptions* in the Phœnico-punic character, which have been discovered on marble, stone, metal, or vases. I reckon of such inscriptions, at present, forty five, which

have been found at Citium in Cyprus, in Crete, in Malta, in Gozzo, in Gaulos, at Palermo and Carpentras in Sicily, at Athens, at Palmyra, and in Africa itself, and published by Pococke, Wood, d'Orville, Rigord, Prencipe deTorre Muzza, Akerblad, &c.

[We trust the learned doctor does not mean to exclude from his Thesaurus the inscription on our own Dighton rock, which we have no doubt has as good right to be included as some of the forty five; and which, if some means be not speedily taken by the friends of American Antiquity to remove it from its present exposed situation, will, before long, be quite worn away by the river.]

'To these should be added a considerable, though not yet ascertained number of *coins*. They may be conveniently divided into three classes, viz. such as have a purely Phenician or punic legend; secondly, such as, besides such a legend, have a Greek or Roman one connected with it, as the names, for instance, of Alexander, of Juba, and of Roman Emperors; thirdly, such as have no inscriptions. All the coins hereto appertaining should be, in like manner, critically copied from Paruta, Velasquez, d'Orville, Swinton, Haym, Dutens, de Boze, Barthelemy, Pellerin, and P. Bayer. Whether imitated in copper plate, lithography, or wood cuts, the greatest care should be had, to copy exactly the forms of the letters.

'In the second place, the Thesaurus phœnicio-punicus ought to contain every thing of their *writings*, which has come down to us from antiquity. Although the works of the national Phenician authors, of the learned priest Sanconiathon of Berytus, of the Carthagenian Mago, called by Strabo Mochas and by others Mochus (the author of twenty eight books on Agriculture, according to Pliny, which were translated from Punic into Greek, by Dionysius of Utica, and reduced into a compend of six books by Diophanes of Bithynia, who in that state presented them to king Deiotarus) of Chæus, Chætus or Lætus, of Asitus, of Hæstiæus, of Theodotus, of Hypsikrates, (a Greek name which, as well as the termination *us* of the foregoing names, was imposed by foreigners,) of the navigator Hanno, and of Philo Byblius,—although these works are lost in their originals, we possess, nevertheless, precious fragments of some of them in Greek and Latin translations in Eusebius, Augustin, Porphyry of Tyre, and Photius; as we have also specimens of the Punic preserved, in Latin characters, in Plautus, and several phenico-punic words in other ancient authors. For the the sake of brevity, I refer here to my three programs, entitled "An Attempt to explain the punic passages in Plautus," Berlin, 1806, 1807, 1808—to My program Phœniciæ

linguæ vestigiorum in Melitensi specimen, 1809. (Some of the opinions contained in which I now retract, having changed my convictions since,) and my program de Phœnicum et Pœnorum inscriptionibus, 1810.

'It will be necessary to the completeness of this work that the passages of the ancients, particularly of the Greeks, Romans, Arabians, and Syrians relative to this subject, should be extracted and thrown together.

'Thirdly, every thing of importance which has been written by scholars in modern times, by way of *illustration* of this subject, should be incorporated into the Thesaurus. To make the enumeration with respect to Phenician Coins alone, the literary history of which is so imperfectly given in the otherwise excellent work of Meusel, Bibliotheca historica II. 14. the labours of the Spanish Scholars in this department are particularly rich in materials. For instance, Bernardo Aldrete Varios antiguedades, &c. 1614; Vinc. J. de Lastanosa; Velasquez; Heuriquez Florez, Metallas de los Colonies Madrid, 1758—73; Francis Perez Bayer del Alfabeto y lengua de los Fenices, in the Sallust of the Infant, Madrid 1772, fol.

'Among the Italian literati should be included Phil. Paruta, with the commentaries of Leon, Augustin, Golz, and Havercamp; Ridolfino Venuti; Gabr. L. Castellus or Prencipe de Torre Muzza (Thes. Sic.) Georgio Gualteri, and Vincenz. Mirabella in his Antiche Siracuse.

'Of the French there are Vaillant, Jean Clerc, Jaquez de Bary, Bochart, Claude Gros de Boze, Mignot, Fabricy a Frenchman settled in Rome, and Sylvestre de Sacy.

'Of the English, John Swinton, of whom we have twenty seven scattered, and in part very rare essays on this subject, Chandler, Pembroke, Pococke, Norris and Haym.

'Of the Swedes, Akerblad in the Actis Gœtting.

'Of the Danes, Norberg and Zoega.

'Of the Dutch, Erasmus, Havercamp, d'Orville, and Burmann, the editor of the Thesaurus Siculus.

'The German Scholars have not been behind hand in this quarter, though less favoured in local circumstances than the Spanish, French, and Italians. The Thesaurus should contain what has been written in this way by J. J. Gessner, Reinesius of Gotha, Rhenferd of Westphalia, Frœlich, C. S. Liebe, U. von Lingen, C. Hendreich, J. M. Weinrich, J. D. Michaelis, Niebuhr, O. L. and T. C. Tychsen, Eichhorn, Bruns, Lorsbach, Lichtentstein, Vater, Gesenius, and Anton.'—*Bemerkungen ueber die phoenizischen und punischen Muenzen. Erstes Stueck*, p. 32—34.

Our readers will readily see that, behind all this pompous array of materials for a Phenician Thesaurus, the amount of what remains to us of this tongue is inconsiderable. It becomes, therefore, a question of no small interest, whether the ruins of this language are yet to be found in the interior of Malta. Can we still, from a living and spoken language, enlarge, almost at pleasure, our scanty vocabulary of the ancient Phenician tongue? If so, the solution of the Punic riddle in Plautus is near at hand. But this is of secondary consequence. Should the Phenician be found nearly identical with the Hebrew, the discovery would be of vast importance to sacred literature and the study of the Old Testament. Should it be found to hold a more distant relation to the sacred language, still this new branch of the Semitic stock of languages would throw light on all the rest, and be of great assistance to the biblical student.

Among the writers, who have defended the opinion that the Maltese language is of Punic origin, are John Quintin of Autun in France, in a descriptio Insulæ Melitæ, inserted in Grævii Thesaurus Siculus; John May, a Lutheran divine and professor of Oriental languages at Giessen in Hesse Darmstadt, in his specimina linguæ punicæ, in hodiernâ Melitensium superstite; and G. P. Franc. Agius de Soldanis, in his work della lingua punica, presentamente usata da Maltesi ovvero Nuovi documenti, li quali possono servire di lume all' antica lingua Etrusca. In Roma 1750, 8vo. Prof. Adelung, however, whose labours have contributed so much to the knowledge of universal language, rejected this opinion in his *Mithridates;* but the nature and extent of his work did not permit him to give a full statement of his reasons. The high authority of Adelung did not therefore quiet the wishes of the learned, nor prevent Dr. Bellermann from again proposing and defending the old opinion in a Program already mentioned, entitled *Phœniciæ linguæ vestigiorum in Melitensi Specimen I.* Berolini, 1809. This work contains an extensive list of Maltese words, each of which the author traces back to a Hebræo-Phenician origin, and was the immediate occasion of the essay of Dr. Gesenius. Dr. Gesenius, at the time of the publication of the work before us, professor of the Gymnasium at Heiligenstadt, a small Prussian city, is now well known to our readers as professor at the University of Halle, and author of the most valuable Hebrew Lexicon

which we possess. Thinking that the learning and celebrity of Dr. Bellermann might give currency to what he considered a false and unfounded opinion, in regard to the Maltese language, he published the essay before us; and it is probably this essay, which produced that change in Dr. Bellermann's convictions, which the doctor himself has the candor to acknowledge, in the extract we have given above.

Malta was under the power of the Arabs or Saracens from A. D. 870 to 1090; and intercourse was kept up with that people for some time afterwards. The ease, with which these historical circumstances would account for the similarity of Maltese to the Semitic dialects, seems by Quintin and his followers either to have been entirely overlooked; or it was taken for granted that the language of the country, especially of the interior, was not much affected by the invasion of the Arabs. This is the view taken by Dr. Bellermann of this subject. But the Arabic names of places in Malta, as well as the testimony of historians, show that the Arabians penetrated the interior. See Abela *Malta illustrata*, edit. Ciantar. Malta, 1272, I. 681, &c. Others hold that, admitting the basis of the language to be Arabic, there are nevertheless several Phenician words, which have been preserved in it. This was the opinion of May. The learned essay of Gesenius, in which he has compared the Maltese tongue throughout, as to its words, forms, inflections, and constructions, with the Semetic dialects, and especially with that species of common Arabic which is now spoken by the Moors and Moroccaners, has fairly met and answered each of these different theories, and also given a general view of the peculiarities of the Maltese tongue. The essay contains a preface, giving a view of the controversy concerning the Maltese language, sixteen pages; section I. Grammatical peculiarities of the dialect, twenty six pages; section II. Maltese extracts, with an analysis of each word, sixteen pages; and section III. a register of Maltese words with their explanations, thirty pages. No reader, it is believed, can avoid coming to the conclusion of the author, that the Maltese is nearly common Arabic, with some peculiarities of its own, particularly the intermixture of Italian words; and that it has no relation to the Phenician or Hebrew, beyond the general affinity of the Arabic to those languages.

The following observations, drawn principally from the

essay before us, will exhibit the peculiarities of the language, and at the same time enable the reader to judge of the point at issue between the author and Dr. Bellermann.

1. The maltese language contains some occidental words. The same is the case, though in a less degree, with common Arabic. The occidental words adopted into the Maltese are all of Italian origin. This arises from the intercourse, which the inhabitants have had with Italy, and from Italian being spoken in the cities on the island. For the most part, however, the oriental expressions are also retained, and the corruption arising from this source has been overrated. In one specimen of the Lord's prayer, in Maltese, we meet with *nom* name, *volunta* will, *tentatioui* temptation, *malo* evil, etc. which are evidently Italian. But in two other specimens of the same prayer we meet only one word of this kind. Sometimes these occidental words have the oriental preformatives and suffixes, and present a very singular appearance. Thus in liber*ana*, (deliver us,) *na* is the first person plural pronominal suffix; in *ye*ruin*nah* (he will destroy him) *ye* is the preformative of the third person singular of the future, and *nah* is the third person singular, pronominal suffix. As to the opinion of Agius, expressed in the work of which we have already given the title, that some Maltese words are derived from the ancient Tuscan, it is, like most of the popular opinions of the Italian scholars on the subject of Etruscan antiquities, perfectly fanciful. To this subject, which yields to no branch of antiquity in interest, we hope before long to have an opportunity of calling the attention of our readers, and of presenting them with an examination of the celebrated work of Lanzi on the Etruscan language. Bayer suggested the question whether there were not some German words intermingled, and this was repeated by Michaelis (*Orient. Biblioth.* Th. VI. s. 116.) and also by Adelung (*Mithrid.* Th. I. s. 415.) But the Maltese word *ard* or *art* (signifying earth,) from which this opinion arose, is as easily derived from the Arabic *arts*, as from the German *erde*. In fact, if we adopt the somewhat alarming theory of Dr. Whiter in his Etymologicum, this same element, *arts*, is the root, not only of the words which resemble it in other languages, but of all the words, in all the languages; the one universal mother element, with which the human organs began, in their effort to express thoughts by sounds, and out of which all language has suc-

cessively grown. With respect to the resemblance of the Maltese and German, it is a well known fact, that a few words pervade almost all languages, in forms nearly identical. They are borne, like seeds by birds, by travellers and traders, and often start up and show themselves, where you would least expect them. In the case of the Maltese, it is evident that the few occidental words it contains have no influence on the question of its Phenician or Arabic origin.

2. Some words have been incorrectly traced to a Hebrew-Phenician origin, by Bellermann, and much more by his predecessors, from an imperfect knowledge of the Hebrew, and from not attending to the meaning of the Maltese words under investigation. Thus *donni*, signifying in Maltese *it appears to me*, is compared by Bellermann with the Hebrew אדוני (adoni) which signifies *my Lord*. The Maltese *tal* compounded of *ta*, the sign of the genitive, and *al*, the article, Bellermann identifies with the rabbinical שֶׁל (shel.) Baalsamen, which corresponds very well with the Hebrew, is not a Maltese word, as Bellermann supposes.

3. The body of the language is common Arabic, and compares, with very great exactness, with the dialect of the Moors and Moroccaners. Like this dialect, it has many words, which are also Hebrew; as *ach* brother, *Alla* God, *Baal* Lord, *ben* son, *samen* heaven. But such words, which are common to all the Semitic dialects, cannot prove that the language of Malta is Punic, in contradistinction from the other dialects. Many Maltese words on the contrary are found in Arabic and in Arabic only.

4. For some words, we can discover neither occidental, nor Hebrew, nor Arabic analogy. The reason of this may be, that the words are corrupted and disguised by being written in the Roman character, by those who have collected them, the Maltese themselves never writing their language; or that our Lexicons of modern Arabic are imperfect, and do not contain the whole language; or that such words are provincialisms, which the Saracens brought with them into Malta, or which have been adopted since. Instances of this kind do not affect the question concerning the identity of Maltese and Punic.

We attach great importance to the second of these suggestions. Our vocabularies of the vulgar Arabic are no doubt extremely imperfect. We are not without hopes, that something

may be done to supply this deficiency, from the papers of the unfortunate Burkhardt, bequeathed by that distinguished traveller to the University of Cambridge in England. Still more were to be hoped, from the publication of a modern Arabic lexicon, now existing in manuscript in the archives of the Moravians at Hernhut, which has been described to us as a quarto volume of the usual size, *and as thick as it is square.* This lexicon was copied by the indefatigable and lamented Rœntgen before his departure for Africa on that voyage of forlorn hope, upon which so many high-minded travellers have started like him never to return.

5. There remain a few words and inflections, which are not found in Arabic, so far as it is known at present, but which are analogous to words in some other Semitic dialects. Thus there is one word resembling the Samaritan; another, the Ethiopic. The termination of 2 pers. sing. of the preterite tense in *kaph* corresponds exactly to the Ethiopic. The pronouncing of the first consonant of words without a vowel is more like the Syriac and Chaldaic, than like the Arabic. Maltese resembles the Syriac in giving to the initial *jod* the sound of *i*, as *icun* instead *yacun;* also in the termination of the dual and plural of nouns, and in the sign of the genitive case. The Maltese 5th conjugation resembles the Hebrew *hithpahel* more than the 5th conjugation of the Arabic. The preposition *ghal* is more like the Hebrew עַל than the Arabic عَلَى. The copulative conjunction is sounded *u* like the Hebrew. But no inference can be made from such instances, that there existed a close and immediate connexion with any of these dialects. These are words and forms, which belonged to the common store of the Semitic languages; and, though no longer extant in written Arabic, are yet preserved in the common pronunciation of that language. Other branches of common Arabic present just such appearances. Thus *chabir* in ancient Arabic signified *skilful*, but in the present dialect of Yemen it signifies *a companion*, the very meaning which it had in ancient Hebrew. And in the same way many vulgarisms of the English language, which never appear in writing, may be supported by analogy from the German, and some peculiarities in the popular language of Crete and Tarentum may boast of classical origin.

With regard to the Punic language, it is a singular circumstance that a Latin proverb, said by St. Augustin (*Serm.*

xiv.) to be of Punic origin, is now found to exist in the Maltese language; and a word is found in Maltese, denoting *a fisher*, consisting of the same radicals as the Phenician name of Sidon, which Justin tells us denoted *a fish*. But the same root is found in some of the other dialects also.

The author cannot be too much commended for the learning and talents displayed in this little work. It evinces the same nice discrimination and spirit of thorough investigation, which appear in all his grammatical and lexicographical works.

It is worthy of notice that *jim*, the third letter of the Arabic alphabet, which in ancient Arabic had the sound of the English *j*, has, according to Gesenius, in Maltese as well as Egyptian Arabic, the sound of *g* hard. The Moroccaners give it both sounds. These facts favour the Masoretic distinction of two sounds in the Hebrew *gimel*, and render it highly probable that the modern Greeks are correct in giving both a hard and soft sound to the Greek *gamma*.

Gesenius also remarks that Vallancey, in his *Essay on the Antiquity of the Irish language*, *Dubl.* 1772, took for granted that Maltese was the same with ancient Punic, and compared the Irish with it. If any analogy were discovered, it would prove that the Irish was identical with the Arabic, not with the Punic. But though his *dreams*, to use Gesenius' expression, are hardly worth mentioning, yet we will give one instance of his fanciful and visionary mode of arguing. The Maltese *Alla ibiereg*, in which an oriental scholar will immediately recognize אלה יברך, *God shall bless*, Vallancey thinks to be the Irish *Iall beira dhuit, mayest thou do penance.* Vallancey's theory of the similarity of Irish and Phenician has been ably refuted by Michaelis (*Orient. Biblioth.* Th. iv. s. 116) Adelung (*Mithrid.* Th. 1. s. 415.) and by many others.

We trust no apology need be made for having detained our readers a little while on a subject, too dry for general interest. The connexion of languages is one of the few means we have of supplying the defects of ancient history, and of tracing the march of nations from region to region. In a future number of our journal, we propose to examine the pretensions of the dialect now spoken by the Sette Communi, near Vicenza in Italy, to be considered as the relic of the language of the Cimbri; and to trace the connexion of the modern language of Wallachia with the Latin brought there by the ancient Roman colonists.

ART. XIII. *Observations on penal jurisprudence and the reformation of criminals; with an appendix, containing the latest reports of the state prisons or penitentiaries of Philadelphia, New York, and Massachusetts; and other documents, by William Roscoe, Esq.* 8vo, pp. 179, Lond. 1819.

SOCIETY, under its most favourable circumstances, has always been debased by crimes. Whatever causes have increased its wealth or its numbers have generated at the same time peculiar vices of their own, and proved at once the source of improvement and degeneracy. In vain has the utmost wisdom of legislation laboured to counteract this unfortunate tendency. Education has opened her store-house, moral instruction has been poured out with untired liberality; no aid, which the most disinterested charity could bestow, has been withholden from the task of enforcing the principles of honesty, and yet the circle of vice has been continually extending itself, and new modes of depravity have been constantly added to the old. The effects of an intelligent philanthropy have probably borne some proportion to its honorable efforts; yet, with all its success in purifying society, crimes have not been, and probably never can be eradicated. Preventive law, yet in its infancy, has an extensive field for its labours; but nevertheless crimes will be perpetrated, criminals will be detected, and punishment in some form or other must be inflicted, as the sanction of the law.

In what shall that punishment consist? What will you do with the unhappy wretch whose misery excites compassion, although his crimes have provoked abhorrence and disgust? In what shall consist the sanction of those laws which you have made against offences, that society cannot tolerate? What is the proper penalty, and what the proper manner of inflicting it upon those, who have the less excuse for their crime, since they have wantonly broken down the barriers, which you have raised to prevent their inroads on the feeble? How shall a man be treated, if, after you have instructed him in better principles, have removed, as far as possible, all temptations to vice, and threatened him with loss of reputation, should he deride the power of the laws, he should nevertheless seize on some favourable moment to trample on your authority, and violate the rights you have endeavoured to make sacred? What allowance, what palliative, will you

admit for the difference of motive, or how indeed will you determine between obstinate and irreclaimable vice, and thoughtless, unpremeditated folly?

These are questions in which humanity is deeply interested. They are questions in which a vast number of human beings are directly concerned as sufferers, and all of us as their fellow creatures. A practical answer to these questions is required in every community, and is necessarily to be found in the criminal code. Circumstances demand a decision, and laws must be enacted even when the operation of their policy is not distinctly perceivable.

The rights, which still belong to the violators of law, and the duties still owed to them by society, have not always been a matter of very serious concern. The tares were to be rooted out, that the wheat might not be injured. So long as the quiet of society could be preserved for its upright and worthy members, the torments or misery which impended over the disturbers of that quiet were but little regarded. Severity was inconsiderately taken to be the main property of criminal law; and it was hastily thought, that in proportion to the severity of the sanction, would be the tranquillity of society.

During the latter part of the last century a more careful attention was given to the subject. It was directed at first to an inquiry, whether the criminal was suffering only the punishment provided by law, or the added measure, which petty tyranny might choose to inflict. But since the time that Howard passed on his pilgrimage of humanity through the prisons of Europe, regard has been extended, by the intelligent and philanthropic, as well to the condition of criminals as to the policy of laws, by which punishment is defined; and criminal law, as a system, and an important one for the interests of mankind, has become the subject of serious and practical improvement. Among the enlightened friends of mankind, who have turned their thoughts to this inquiry, none have entered upon it with more zeal or a better spirit than Mr. Roscoe, who has brought the force of his cultivated mind to a business of practical importance; which, however, has nothing to recommend itself to the scholar or the man of taste, but its connexion with the welfare of society and the cause of humanity.

In the work before us, Mr. Roscoe has suggested many valuable ideas, and corrected in some degree the erroneous

opinions which have prevailed more or less on the subject of punishment of crime; and has thrown upon all his sentiments a light of christian kindness, which does infinite credit to his good feelings and the sincerity with which he is animated. With the common error of reformers, however, he anticipates too much good from the improvements he proposes. He estimates too highly the advantages to be gained, and the evils to be avoided, by the plan, of which he is the ardent and strenuous advocate; and he thus prepares a disappointment for the public mind, which will operate unfavourably in the end for the permanent success of his system. We think it does no good to exaggerate the advantages or disguise the inconveniences of a scheme, which at best is only the least among the evils which surround us; nor on a question of this kind to discountenance the suggestions of experience, even if they interfere with the harmony of the design.

If Mr. Roscoe's book be liable to any remark of this kind, it is but a proof of his zeal, and of the earnestness with which he enters on a plan for the moral improvement of our species. The subject is somewhat a new one; and the practical operation of the humane system he recommends has not probably come under his personal observation.

In England and on the continent of Europe, laws for the punishment of criminals rarely contemplate the reformation of the offender. To cut him off from the life which he has abused, or to inflict a corporal suffering with such severity as to deter all others in like case offending, has been the extent of their design. Exceptions are to be found to this remark in recent times, yet it is generally applicable to European criminal law. The system consists in punishing by death, or by stripes, imprisonment, or banishment, all those who become obnoxious to its penalties. The waste of human life under its cruel operation has been prodigious; and the legitimate objects of society, the protection of liberty, property, and life, have been sacrificed to the means which were taken to preserve them. Indeed, the community has resembled a struggling crew on a wreck, where one half must be thrown overboard for the preservation of the other.

The *penitentiary* system proposes to reform the criminal, and restore him to society, penitent and useful. It proceeds upon an hypothesis favourable to human virtue, and to the effect of moral intelligence. It rests for its efficacy on the

truth of the proposition, that reformation may be brought about by discipline and instruction; and that if the motives to an honest life are properly exhibited and enforced, there is good reason to expect they will influence the conduct. It considers vice as a diseased and not a natural state of humanity; and that the moral pharmacopeia has a medicine for each of its different appearances. Not only does it consider the criminal as labouring under a disease, but a contagion that will extend itself wherever it can find subjects, and that it is prudent to remove its victim to some lazaretto for the mind, where the pestilence that infests him may find no other to contaminate.

It cannot be denied that in respect to general design, the latter of these two systems has greatly the preference. They have, however, both their respective advantages, nor is either without its peculiar disadvantages. Judging by the effects produced, neither of them has answered its original design. In England, the sanguinary system of punishment has not diminished the number of criminals; and has begun to excite a disgust, which prevents its enforcement; while in the United States the practical operation of the penitentiary system has cooled the ardor of its friends, and excited doubts of its permanent utility.

The truth is, that the causes of crime must be destroyed, before the number of criminals will decrease; and it is in vain to attempt to counteract the temptations to vice, by *any* human punishment which follows its detection. Mankind will be forever disappointed, if they rely for protection against crime, only on the penalty denounced against criminals. Before the penalty can be enforced the criminal must be arrested; but the chance of escape appears to him greater than that of detection, if indeed any calculation is made previous to the commission of crime. In truth, little consideration is given to consequences. Most crimes are the offspring of passions, which are willing to run the gauntlet of the law. The heart must be amended before the life will be honest. The evils consequent upon detection must be realized before strong temptation has begun its assault, or the sanction of laws against crime will have little efficacy.

Punishment is only one of the agents, which society has at its command for the prevention of crime. But it is an important one, notwithstanding all the diminutions from its efficacy.

It may take from the criminal the power of future mischief by depriving him of liberty or life; and as the one or other method is most frequently adopted, different and essential impressions will be made on the general habits, the feelings, and the manners of the community. Supposing, then, that society has done its duty to its members; supposing that it has suppressed, as far as possible, the nurseries of immorality and crime; that establishments, which ruin the morals of those who frequent them, are as far as practicable broken up; that places for intoxication, gambling, debauchery, and other species of depravity are effectually prohibited; that schools and other seminaries of moral and religious instruction are provided; that provision is made for the unfortunate, and employment given to the idle; and that by these means society has established a right to demand from its members, that they respect the lives, persons, and property of each other. The question again occurs, what must be done with those who are convicted of violating these reasonable requisitions?

We presume nobody will deny the right of punishment in some form or other. It has indeed been suggested, that as all crime is an evil, so also is all punishment; and that to superadd the evil of punishment to the evil of crime is only doubling the misfortune of the community. It has been said too that punishment cannot remedy the evil. That you cannot revive the man who has been murdered, by killing the murderer, nor rebuild the dwelling which is burned by destroying the perpetrator of the ruin; and that to do so can be defended on no better principle, than the unchristian spirit of revenge. These and some other cavils of the like nature are mere fanciful suggestions. Every body sees that laws must be made against crimes which strike at the great objects of civil society; and that these laws must have an efficient sanction; and the inquiry is, wherein shall that sanction consist? The preservation of society authorizes the punishment of its refractory members, and the right extends to any length, which preservation requires. But while it is authorized by the necessity in which it originates, it cannot be extended beyond it; and the infliction of extreme punishment for offences which do not hazard the essential objects of society is an arbitrary extension of power, which no moral sentiment can approve.

The legitimate object of punishment then is only to prevent crime, and has reference to the perpetrator of the crime punished, or the remaining members of society. With regard to the criminal it is certain that to deprive him of life effectually prevents any further transgression; but the ground on which we have placed the right of punishment denies us this power, where there is reasonable presumption that other means would be as effectual; and even admitting the right, the utility of registering every offence, in the blood of the criminal, would no where meet an advocate.

The influence of punishment on the other members of society is the second lawful object for which it may be inflicted; because the suffering consequent on crime, if seen and realized by the community, will be a means of preventing its recurrence.

Mr. Roscoe, in the work before us, thinks that the opinion of the utility of example has been carried much too far; and recites with peculiar reprobation the case of a man convicted at Hertford Assizes for horse-stealing, who complained that it was cruel to hang him for only stealing a horse; and was answered by the judge that he was not hanged for only stealing a horse, but that horses might not be stolen. Whether the example, says Mr. Roscoe, might deter others from a similar offence was uncertain; but it was certain that a human being was put to death, for the chance of preventing another from stealing a horse.

Whether the crime of horse-stealing be justly punished in all cases with death is a question on which we should not differ from Mr. Roscoe; but whatever the punishment may be or whatever be the crime, the same answer applies. The man is punished, as he ought to be, for the felony he has committed; and he is punished in this particular manner, that others may be warned by his example. Lawgivers may mistake the means of giving the example of punishment its most powerful effect, but to deny that punishment is rightfully inflicted in suitable cases, for the benefit of general example, in the way which the laws have adjudged to be wise, would be to take from it most of its utility, and as it seems to us all its right.

It is on account of the erroneus manner, in which this example is exhibited, that the object itself meets disapprobation. Another judge, at the Lancaster Assizes, deemed it necessary to make the examples of public execution for forgery more

horrible and striking, 'as if there was to be a contest between obstinacy and crime on the one hand, and resentment and cruelty on the other.' But because we cannot depend on severity in punishment to operate as a wholesome and efficient example, it by no means follows that example is not in itself a legitimate object to be attained by properly adapted punishment in suitable cases. That distress or suffering which seems in the eye of the community to be the natural and reasonable consequence of crime, which neither excites disgust against the laws nor sympathy for their victim, that course of suffering which shows how dearly the gratification of vicious propensity has been purchased, and how bitterly it must now be lamented, and is yet not calculated to awaken a ferocious spirit in the populace by exhibiting examples of legalized cruelty, that system which displays a tenderness and compassion toward the victim of vice, and makes those feelings a humiliating part of his punishment, that is the system whose operation will be worthy the care of the legislator, because it will produce examples that will answer the great end of human punishment, by repressing the occasions and necessity of its repetition. By placing the right of inflicting punishment for crime on the ground of its being necessary for the preservation of society, we give to the laws all the authority which can be required for the purposes of their establishment and guard the right against cruelty on the one side, without encouraging a false sensibility on the other.

It is the more important to keep this in view, because a sincere and strenuous advocate for a modification of severity in the penal code of Great Britain, who is on other topics often quoted with approbation, has maintained, we think somewhat inconsistently, that the sentiment of anger is allowable in criminal jurisprudence; and Mr. Roscoe, with no less impropriety, has advanced the erroneous doctrine, that the only proper object of human punishment is the reformation of the offender. We believe the laws should be designed to make society more secure; to do this by a wholesome severity, always under the control of judgment, without anger or passion of any kind; that no more severity is allowable than will produce the purpose intended; and that as much may be rightfully inflicted, as wisdom and experience prescribe. If with these higher objects in view the criminal can be reclaimed, it is a circumstance of exceeding joy; and

is always to be attempted whenever it does not interfere with the general benefit of the community.

The right to take human life as a punishment for crime being thus established, and all the other usual methods of punishment being lawful on proper occasions, it becomes, most commonly, a question of expediency in what punishment should consist.

To inflict death in peculiar cases may perhaps be justifiable, but to take human life, as in England, for more than two hundred different actions, must be unnecessary, inhuman, and immoral. Sensibility sleeps in the lap of luxury, and the legislator is contented to secure his own selfish enjoyments, by subjecting his fellow-creatures to the miseries of a dungeon and the horrors of an ignominious death. It can only be accounted for by the influence of example reaching to the present times, from ages of the darkest ignorance, and thus perpetuating their arbitrary and tyrannical spirit, that laws are tolerated which involve in one common punishment such a great variety of offences, so different in their nature, not only with the most flagrant injustice, but with the greatest danger to every member of the community, whose life is thus placed in competition with objects of the most trivial and worthless description, and is liable to be sacrificed to the security of society against the consequences of very inferiour and comparatively unimportant crimes. 'To commit a murder or to free a person from arrest; to burn a dwelling house and its inhabitants, or to burn a haystack; to commit a parricide or obstruct an officer of the revenue in the seizure of prohibited goods; to break into a dwelling house at midnight or to cut down or otherwise destroy a tree in a garden; to poison a family or maim a cow'—are equally causes for capital execution. Is it possible to conceive that, if an enlightened and humane legislature had undertaken to form a code of laws for a civilized country, they could have adopted such provisions as these, which are not less dangerous to themselves, than intrinsically extravagant and unjust; and which might render it indispensable to the life of the poor wretch who is cutting a stake in a plantation, to murder the owner, who may unwillingly have it in his power to give that evidence which may take the forfeited life of the offender? 'This, if carried into strict execution, would form one of the bloodiest systems of legislation by which any na-

tion, ancient or modern, ever punished itself.'* And it is carried into execution far enough to make the act of taking human life an ordinary every-day occurrence, that excites little sensibility or concern. The blood that is spilt upon the scaffold is a vain and useless oblation to the laws, which are regarded rather with horror than respect, and scarcely maintain an influence in the vicinity of the place of execution.

A different and opposite effect is produced by capital punishment in this country, much more creditable to our humanity, but not less injurious to the ultimate objects for which such punishment ought to be designed.

During the thirty or sixty days quarantine, which is allowed a condemned malefactor to purify himself of his sins, the tremendous punishment that awaits him, and not the crime which requires it, occupies universal attention. The prisoner's cell is visited by the pious inhabitants of the neighbourhood, and his whole time is either one sabbath of prayer or an holiday of festivity. The means of luxurious indulgence are supplied to him beyond the requirement of nature, while many a dwelling of honest poverty, much more in want of such consolations, is left to suffer. With these ministrations of kindness, so bitter by contrast to those who have as much necessity for them and a better title, he is supported against the ignominy of public execution—the populace are taught in his example the doctrine of special grace working almost a miracle in reforming the sinner, who becomes a fit candidate for heaven from the traps of the gallows; the kiss of brotherly affection, from the lips of a confessor, is his passport to bliss; he dies a martyr to the vindictive spirit of the laws, and the sympathy of the crowd around allots him in another world the rewards of virtue, by way of recompense for the penalty paid for his crimes in this. Such exhibitions destroy all the moral influence, which the infliction of punishment is intended to produce. They bring the evil of capital execution without its advantages. Human life is destroyed and no good obtained by the sacrifice. Crime is considered of little importance if it can be so easily washed away. Law is brought into contempt, when its utmost penalty is exhausted on a being, who is held up to admiration as one purified from sin. The final scene is looked upon by a

* Roscoe, p. 43.

crowd of curious spectators with deep feeling of regret, rather as the martyrdom of an individual, than a penalty inflicted on a felon.

We by no means intend to inculcate any lesson of cruelty. The criminal is still a man, and is to be treated as a fellow-being. But he is a guilty man, accused, and condemned as such, and brought before the public, in that character, to pay the forfeit of his life. The attention of the spectators should be drawn to his offences, which cry aloud to heaven. The just and necessary connexion between guilt and suffering is the great lesson they are collected to learn. Whatever interrupts this connexion, whatever serves to produce a contrary or even a different impression, is foreign to the legitimate object and destroys its efficacy ; and an excess of indulgence and sensibility toward the criminal is real cruelty to those, for whose moral good his life is exacted by the laws.

When capital executions are frequent, they are beheld with indifference; but wherever they occur, the time, the form, the appendages of the solemn scene, should be so arranged, that abhorrence of the crime should always preponderate over compassion for the criminal.

If the feelings, which we have suggested as proper on these occasions, are not desirable, if the more tender and compassionate sentiments that so much better befit our nature are entitled, on these occasions as on others, to indulgence, it will form, not an objection to the principles we have advanced, if capital punishment be allowed, but a strong argument for abrogating it altogether from the criminal code. The sentiments which such a spectacle ought to excite are not the most agreeable in themselves, nor perhaps, in the abstract, most useful to the community ; but they are such as must be encouraged, to give the spectacle its intended effect, and if, in consequence of the evils which may come with them, they are pronounced unbecoming to a refined and a christian community, there can be no alternative but subjecting the criminal to a different or private penalty.

But whether capital punishment be extended or confined in its operation, there will be crimes which it cannot be intended to prevent ; and the class of criminals, who will deserve other punishment, will always be large enough to claim serious regard. For these there has been erected, in several of the states, a state prison, or penitentiary, on a plan, in

most respects, the same; but carried into practice with different degrees of success. It was formerly provided by our laws that this class of convicts should be punished by being branded, whipped, set in the pillory, or on the gallows, and such other public and infamous punishments, as would not be tolerated at the present day. Their ill effects on the manners of the community and their pernicious operation upon the wretched beings, females as well as males, on whom they were inflicted, are now so well understood as to have left few, if any, advocates for the readoption of such punishments. The criminal, who is whipped, cannot thereby be reformed. He is marked as a convict, and thrown back upon society, while the marks of his punishment are visible and his degradation remembered,

"The world is not his friend nor the world's law;"

and he is compelled by necessity to repeat his offence and receive accumulated punishment, until the law exacts the forfeiture of his life.

Let us attend for a moment to the plea of reason and justice, which would be urged by such an unhappy wretch, when, after having gone the rounds of these infamous inflictions, he is brought in jeopardy of his life.*

'I had no means or incitements (he might say) to gain a little reputation, because a stamp of ignominy had been indelibly fixed upon me before. I was thrown back on an injured and incensed world. I fled from solitude and reflection, because the past afforded me no satisfastion, the present sustained my sinking spirits by no consolation, and the future cheered me with no hope. I associated with wicked companions, because good men shunned me. I wandered, because I had no home. I loitered, because no man would employ me. I stole, because the importunate and irresistible cravings of nature would not permit me to starve. A suspected vagrant in every lonely village, a detested outcast in every crowded city, cold and naked, hungry and thirsty, I no longer can desire to live nor fear to die.

These excuses, so generally disbelieved and rejected by man, may be true, and if true, they are important, and if important, they may plead trumpet-tongued against the revilers

* Characters of Charles James Fox. Notes, 397.

of the unfortunate when they meet together before the tribunal of heaven.'

A state prison, if it has no other advantage, keeps these civil marauders in confinement, supplies them with the means of subsistence, compels a physical exertion for support, and takes away their power of carrying on their warfare against society. While the lawless villain is secured within its walls, the community is free from his depredations, and uncontaminated by his example; and this positive good being obtained, the institution, by which it is obtained, is deserving of patronage, and unless its evils more than balance all this advantage it will be worthy of public encouragement. But to this security of society, a *penitentiary* is designed to superadd the means of reforming the prisoner and giving him a chance at least of recovering his moral character. It is objected to our penitentiaries, that they have not answered their purpose; that men come out of them worse than they went in; that vice, like putrefaction, increases in degree by the accumulation of materials, until it produces an extensive and fatal contagion. The warmest advocates of these institutions will probably admit that they have not, in all respects, corresponded to their wishes, but whoever contends that they have been wholly unproductive of benefit must surely be very little acquainted with their history.

The questions to be discussed are, first, what expectations concerning them are reasonably to be entertained; secondly, what has in fact been accomplished; and lastly, what causes, which can be removed or changed, have prevented or retarded a more perfect result in this great experiment of humanity.

Utterly to extirpate crime and to purify society from the pestilence of vice, cannot, as we have already remarked, be expected as the result of any human institution. Nor is it, we should suppose, to be expected, that a class of men, broken down in reputation and covered with the leprosy of crime, should find a state prison like the river of Jordan, in which they could wash and become clean by a miracle. 'There is no short and expeditious way of extirpating moral evil,' and the best means and appliances will, in many cases, wholly fail, and in others be attended with only partial success. If education and example, and all those motives which can operate to keep men honest, are not strong enough to bind them to virtue, it ought not disappoint rational expectation to find

that discipline and punishment are not always sufficient to reclaim them. Corporal public punishment, as formerly inflicted, did nothing, and was expected to do nothing in reforming the convict. The penitentiary, if it does as much for the security of society, and any thing for the reformation of the criminal, is entitled to preference. The great source of disappointment is unreasonable expectation. More benefit has been anticipated than it was prudent to propose. The advocates of this improvement in humanity have been too ardent and sanguine. They have promised themselves too much, and injured their cause by the disappointment which has followed.

Let it be admitted, as it ought to be, that a portion of the convicts are incurables in this hospital of moral disease. If some can be cured and more can be relieved; if the great majority are convalescent, and a few are restored to health, is it to be objected to the utility of the institution that some perish, because their disease was originally fatal, or that they were not admitted till mortification had seized upon the heart? We do not believe in any empiricism which pretends, by a certain specific, to cure every possible evil. But we maintain that the regimen of the prison is, with the blessing of heaven, a mean of destroying a great mass of moral corruption, and diminishing those seeds of vice, from which spring the greatest harvest of misery. In the walls of the penitentiary will be found not merely the incorrigible offender, but the inexperienced culprit. There will be found many, whom poverty or bad company led into temptation too strong for their virtue, and to the commission of crime repented of as soon as committed; and others who are rather the dupes of older villains, than totally degenerate themselves. Should such persons be whipped and discharged into the same scenes, the same company, the same misery, and the same temptations and the almost inevitable renewal of their crime and their punishment? Will you convert a single error into an irreparable crime? Or will you not rather place the miserable patient where, by a kindness he will regard, and a discipline he must feel, he will become sensible of his wickedness, and be removed from the dangerous connexions in which it originated. Among such unfortunate criminals there is hope of amendment. From this great and growing class, many may be preserved from ruin, the living

witnesses of the excellence of the institutions by which they have been restored to society. That our state prisons have answered this valuable though moderate expectation is abundantly proved by an inspection of their records. In the early period of the Philadelphia penitentary, when it was conducted with indefatigable attention by its philanthropic founders, 'the prison was a school of reformation and a place of public labour, *and of the many, who received the Governour's pardon, not one returned a convict.*'* At a later period, out of near two hundred persons, who had been recommended to and pardoned by the Governour, only four had returned; the roads in the vicinity of the city so constantly infested with robbers were seldom disturbed by those dangerous characters; the houses, shops, and vessels, so perpetually robbed, no longer experienced those alarming evils. There had been but two instances of burglaries in the city and county for near two years. Pickpockets, formerly such pests of society, were unknown; not one instance had occurred of a person being convicted of that offence for two years past, and the number of persons convicted at the several courts had constantly decreased.†

The early history of the New York state prison gives the same result, and its recent and present failure to meet the public expectation can be accounted for without controverting the grounds on which this mode of punishment is justified.

In Massachusetts, from the opening of the state prison, in December 1805, to the 15 April 1817, there were received 918 convicts, of whom 79 were afterwards returned, 305 were then in custody, 38 had died, and the remaining 496 had never been brought again within the prison limits.

During the same period, 155 had been pardoned, of whom 11 had proved themselves unworthy of the favour, but 144 had not been known to be again the subjects of criminal law.‡

Of those who were liberated, many are known to the officers of that institution to have become industrious and useful citizens.

These facts prove the utility of the Institution in certain cases and in a proportion which is gratifying to its advocates; while the further fact that five convicts had been returned

* First report of Inspectors of the prison of Philadelphia.
† An account of the alteration of the penal laws of Philadelphia.
‡ Directors' MS. records.

four times each, and one five times, proves also that to expect reformation in every convict is altogether idle. The prescription will not suit every patient, and moral as well as physical disease will sometimes baffle the efforts of human wisdom.

We have already alluded to the advantage derived from the physical inability of so many men to do evil, which is imposed on them by confinement; and to the benefit derived to society by obstructing the influence of the example which would necessarily spread itself, did these convicts enjoy their personal liberty. These considerations form the grounds of hope, that a penitentiary may be the means of preventing great evils to society and of accomplishing much positive good.

But while we advert with satisfaction to advantages produced by the penitentiary establishments, we cannot refuse to believe that they have not accomplished all that could reasonably be expected; and it is proper to examine the causes which have diminished their efficiency.

Among the first, is that which grows out of their expense. It had been supposed that a State Prison would be able to defray its own expenses without aid from the treasury, a presumption as extravagant, as to expect that every convict was to be turned out an honest man. This is impossible. The number who, from sickness or want of capacity, are unable to work, the difficulty at all times of providing suitable employment, the time lost by solitary confinement, and the different results of voluntary and involuntary labour, the expense of transportation, the salary of officers, and a variety of other charges peculiar to the place, will always prevent a State Prison from paying its own expense.

This expense is a charge upon the public; and to render it as small as possible, the penitentiary character of the establishment has been made a secondary consideration. It is no longer a place merely of moral improvement, where industry is enforced as a part of necessary discipline; but it becomes a great workshop, in which every man is labouring for the public, and obliged to add as much as possible to the capital stock.

The effect is seen in a variety of indulgencies granted to the convicts, and to the superior importance which is attach-

ed to profit over manners. The institutions themselves are contrived with regard to economy, and as the prisoners increase in numbers, a separation becomes impossible. They mingle together in the workshops, are crowded in the cells, and have opportunity by injudicious intercourse to confirm each others bad habits, and to combine against the natural tendency of their punishment. Instances are sometimes given where the labour of the prisoners has been supposed equal to the expenditure, but on examination this will be found delusive. The report of the Massachusetts commissioners in 1817 states the annual cost of each prisoner to be from $20 to $90, in different institutions, and that every where the balance is against the public. Whenever it has appeared otherwise, the value of a great amount of personal attention, voluntarily bestowed by philanthropic individuals, has not been carried to the account. The expense enters necessarily into the system, because society can bear only a limited expenditure. If the expense be unreasonable, the system is radically wrong. Its advocates are therefore bound to show that the necessary demands on the public are not so large, as to bear an unequal relation to the profit or utility of the plan.

The Massachusetts commissioners made very accurate inquiries on this branch of their duty, and ascertained that, in the year 1816, the expense to the public for the support of 652 convicts in the prison at Philadelphia was $36411,55; of 753 convicts in New York $40000; of 273 convicts in Massachusetts $13000; of 54 in New Jersey $1933,67; of 274 convicts in Baltimore $6000; and that the establishment at Richmond, which had been boasted of as under the best management, and the receptacle in Connecticut, were not dissimilar in their results. Thus 2006 convicts in prison for one year cost the public $97345,22 more than was procured by their labour; averaging $48,52½ per man as a tax on the community. This sum however is not to be taken as a fair standard of necessary expense. The prisons were then in a very bad state. A degree of negligence had generally prevailed, which had produced deleterious consequences and called for reformation. To ascertain the best means of effecting this reformation, as to the Massachusetts establishment, and to give the legislature all the light which could be procured, these commissioners were appointed. They discov-

ered the errors of the system and proposed effectual remedies. Not limiting their views to the emergency of the moment, they presented a bold scheme of radical improvement, and so far as it has been adopted by the legislature, it has been attended with success. In the last annual account of the Warden of the Massachusetts State Prison, the whole cost to the state for maintaining convicts for one year ending Sept. 30,1819, is represented to be $2472,72, amounting to about $7 per man.*

* If this account be accurate, it develops a wonderful improvement in the plan, or a most successful economy in its execution, and perhaps both together, to an extent as far as it is practicable to carry them. But we are not now to learn that an account may be very flattering on paper and not very satisfactory in the fact; and we are inclined to suspect some unintentional fallacy in this representation. 1. Because we find, that during that period the Warden was obliged to call for and did actually receive from the State Treasury the sum of eleven thousand dollars. Now this sum is the cost of the institution to the public, because so much money is actually expended,—is taken from the public chest,—is paid by the people, and unless subsequently refunded is lost to them, and appropriated to the prison.

2. Because to make this flattering result, the stock on hand is estimated at $23275,38. We have no intention to say that it is unfairly valued We presume that considering the costs of the material and the labour bestowed on it, this is a fair price; but we object to this mode, because experience has always shown that such an amount cannot be realized in cash. In many instances it has been proved, that the manufactured article would not produce the cost of the raw material, and to estimate the value by the cost, with an addition for the price of labour at forty cents per day, is ascertaining what it ought to produce, and not what it will produce. Again, a portion of the 'stock on hand' is the refuse, and what cannot readily find a market. Goods made by the convicts are of different qualities; purchasers of course select the best, and leave the inferior; and to estimate that which remains, by that which is sold, will only occasion disappointment.

3. An amount of $18470,17 is credited by the prison for debts due. And we apprehend that a considerable amount of this sum will be afterwards transferred to 'profit and loss' account.

The public are always unfortunate creditors. It has not yet been ascertained that they can carry on business to advantage. If buildings are to be erected or contracts of any kind made, the expense far exceeds what would be chargeable to any individual. It is so with their debts. Taxes are excepted, merely because there is a special power to enforce their collection—but all other debts suffer considerable diminution, before the amount is paid to the public use. We shall be much deceived if more than two thirds of the above large sum be ever realized.

If six thousand dollars be taken from each of the above items, and added to the Warden's estimate of expense, it will make the balance $14472,72. These two sums would, we think, still leave a more favourable exhibit than the result will warrant, but the whole charge or balance that thereby appears, should not be carried to the debt of the current year.

In estimating the expense, the money saved by the confinement of convicts ought to be credited in account. One thief out of prison costs the public more than ten within it. The tax may fall, to be sure, on some unfortunate citizen, and not by a fair assessment on the public; but if he live by plunder, society suffers, and the cheapest way to support him is to provide the place and the manner of his subsistence. The amount which the community pays in this way is enormous; and yet not being precisely ascertained, and falling as if by accident on the sufferer, it is felt as a misfortune, which was unavoidable, rather than as an expense, which might have been prevented. In the town of Boston, for instance, which is as well governed and as sharply watched as any city in the Union, it is supposed there are two thousand men and women who live by profligacy, fraud, and felony; and that they obtain, in one way or another, at least one dollar per day each, making in the whole the enormous sum of $730,000 per annum, the twentieth part of which could be made to support the whole of them, in the State Prison at Charlestown. It is therefore right when the expense of these establishments is considered, to take into view the burthen which their tenants always are on society, wherever they may be placed. It cannot be just to consider the total expense as a loss to the public—inasmuch as it can at best be but a choice of difficulties, the only option offered to the public being whether they will support these felons in a prison or out of it.

Experience has shown, we think, that the expense is not a fatal objection,—that it is not necessary to sacrifice the penitentiary plan to notions of economy, which when carried too far create the most ruinous kind of extravagance, and that the means of solitary punishment and separation among the convicts should be provided wherever a prison is erected.

The last year contained similar errors, and the account has been kept along from one year to another, increasing as it naturally must, because each year brings its own accumulation of mistake. Allow three thousand dollars for this cause—and it will be found that eleven thousand dollars will be the fair charge of this institution for one year, and this result corresponds with the fact, that this is the exact sum which in truth has been expended upon it by the Commonwealth. We protest against any exaggerated statement of advantage from these institutions. Let the truth be accurately stated. No disappointment can then be experienced, and we shall know whether what can be done is worthy of the effort necessary to obtain it.

It is from anticipating what cannot be accomplished, that so much dissatisfaction is sometimes felt on this subject.

Another cause exceedingly injurious to the moral effect of these institutions is the character attached in public estimation to the unfortunate inmate, even after he quits their walls. In theory the malefactor has passed as it were through a purgatory, and comes out purified of his sins. If the penitentiary has done its office, he is no longer the miserable, depraved, and worthless felon who entered; but a regenerated, reformed, and penitent man, who has learned to be honest, by the sufferings consequent on vice. He will therefore meet no difficulty in obtaining employment. Indeed the humane and benevolent see in him an object of regard and sympathy, and they delight to send him on his way rejoicing. Such was not merely the theory but the practice of the charitable Quakers, who commenced these institutions. They did not leave the poor man at the threshold of the prison door, exposed to the wants of poverty, and thrown among the temptations of the world, with no safeguard but his unconfirmed moral feelings. They procured employment for him, gave him countenance and character, watched over him with assiduity, and prevented any backward step by holding out allurements and motives to honesty.

The case is now changed, little or no provision is made for the discharged prisoner. The cares of the government do not extend beyond the prison walls. Society marks a man who has once been in confinement with a jealous eye. His reformation is doubted. The operation of his punishment has not, it is supposed, been radical. His old habits hang about him. He is still but an acquitted felon. Honest men avoid him. The police keep an eye upon his motions. Is a robbery committed, he is the first person suspected. Is labour wanted, he is the last person employed. In fact by a general public sentiment he is driven into the haunts of profligacy and crime. He is compelled to associate with his former companions, or with new candidates for the gaol. He feels himself an outlaw, without means, or friends, or character, and he retaliates on society the war which they have already begun.

This is a picture not indeed universally correct. There are many and important exceptions; but it is sufficiently general to deserve attention, and if possible to be reversed. Wherever these remarks apply, and the discharged convict, under the influence of the evils which surround him, is forced

upon the commission of new offences, the blame is laid to the nature of his former punishment, and not, as it ought to be, to the incomplete performance of the duty which the public had assumed. First make the system perfect; establish all the parts of which it is composed, and then ascertain the result. It is a most important part of the penitentiary system that solitary confinement, and labour without intercourse among themselves, should prepare the prisoners for a future liberty, which they would not be inclined to abuse. If these are sacrificed to false notions of economy, you turn from the cells not a reformed sinner, but an angry and devouring felon; and you must expect that the temper which you have fretted, but not broken, will display with renewed violence its original atrocity.

It is another and no less important part of the system to secure the discharged convict, for a time at least, from the dangers of idleness; to give him the chance of regaining his reputation, and being useful to himself and mankind; to furnish a soil, where the seed you have sown may take root and spring up, without being lost in the sterility of the waste, or choaked by the tares, which would otherwise surround it. This can be done without any terrible expense, and it must be done before society can derive the benefits, which these humane establishments were designed to produce.

A most worthy man, Mr. Caleb Bingham, who for several years was a director of the Massachusetts Penitentiary, has by his personal exertions given proof of the propriety of the above remarks. In addition to many useful acts of voluntary charity, in superintending the instruction of the convicts, and conducting a Sunday School for the unfortunate youth who were sent there, he made great exertions to procure, for the better class of those who were discharged, places where industry and attention would secure them an honest support. Many days of his valuable life were devoted to the Christian and charitable office, and the many instances of his success which were known to the gentlemen, who were associated with him in the direction, were proud testimonials of the value and effect of this judicious design. We have great pleasure in paying this tribute of respect to the memory of a man, whose life was devoted to acts of unostentatious but practical philanthropy.

The evil resulting from a want of such an arrangement,

as was obtained by this excellent man, needs no illustration to make it apparent, and yet it may derive force from a fact stated by the officer of police in London, on an examination before a committee of the House of Commons. 'I will take upon myself to say,' said he, 'that I have known this to be a clear case, which they have said to me, Sir, we do not thieve from disposition, but we thieve because we cannot get employment; our character is damned, and nobody will have us, and so it is. There is no question about it.'*

The state of the county prisons and the manner in which culprits are confined there, is a most formidable obstacle to the effects of penitentiaries. In this respect a difference undoubtedly exists, in different parts of our country, both in the laws applicable to the subject, and the manner in which they are executed; but wherever we have had the opportunity of examination, the laws are injudiciously designed and worse executed. With the exception of the New York Bridewell, probably no prisons in the United States are under better regulations than those in Massachusetts, and to these our remarks chiefly apply. The laws of Massachusetts require a suitable building to be erected, for a gaol in each county, and authorize the magistrates to confine within them, for safe keeping till trial, all persons accused of capital crimes and such others, charged with inferior offences, as cannot find sufficient sureties for their personal appearance. The higher tribunals also sentence persons convicted of petty larceny and other smaller offences, to be confined there for short periods, and similar punishment is inflicted by justices of the peace for three months, when the convict is too poor to pay the fine assessed for some petty misdemeanor, with the costs of prosecution. It is at once perceivable that all the different classes of offenders are brought here, and remain together till the day of general gaol delivery, a period which may vary from twenty days to seven months. The law enforces on most of these prisoners no labour, and if it did there is no facility for performing it. Scarcely any room is allowed for exercise, and very little provision is made for the classification of prisoners. In the arrangement of the buildings strenght and security have superceded every other object, and have produced evils from which the most fatal consequences have followed to society. A young man or

* Minutes of evidence, page 264.

woman beginning to get into bad habits is from that circumstance only perhaps suspected of some nefarious act or convicted of a petty misdemeanor. By way of security or punishment, he or she, as it happens, is sent to the county gaol and confined with the common tenants of the building, in laziness and inactivity of body or mind, two or three or four months. What is the natural consequence? Is the individual made better, or is he not almost certainly ruined?

The grand jury for Suffolk county made a particular examination of the prison in Boston in the year 1819, and directed a representation on the subject to be presented to the Court of Sessions. The following extract from their account will shew in what a miserable condition the prison was found in the capital of the state.

'The attention of the grand jurors (they say) has been forcibly drawn to the inconvenient architecture of the buildings, by which the health of all, and the morals of such as have yet left any good principles to be vitiated, are exposed to ruin.

'The two lower stories are appropriated to convicts or to persons accused of crime and waiting for trial. The appartments are without sufficient ventilation. The external air is admitted only through windows facing the north, and has no circulation through the building; and even on this quarter is greatly obstructed by the high wooden fence and the offices before it. Hence all the rooms, but especially those on the lower floor, are damp and unwholesome, and can never be free from a fœtid atmosphere, generated by the occupants themselves. The prison has no hospital department, nor any room for diseased criminals. There is no other accommodation than moveable tubs for necessary purposes. The rooms have no fire-places or stoves, and are warmed by charcoal burnt in an open vessel.

'That there is great danger of disease generated in an atmosphere thus formed admits no doubt, and many have already been the victims of its ravages; but the grand jurors call the attention of your honors and the public to the danger, to which their fellow citizens are exposed by means of this great nursery of pestilence, in the heart of the town.

'There is a continual change of tenants; those who are sentenced to short periods of confinement, and others who have been tried and acquitted, pass from this lazaretto into the mass of the population, and scatter the seeds of disease through the community. During the last summer there was much reason for alarm, and it will continue and increase until a remedy is adopted.

'The grand jurors are sensible that a prison should not be made a place of comfort or a habitation which a felon would select from choice. But whatever be the proper privations, and sufferings, and evils that the tenants of these buildings should be required to undergo, it is believed that the humanity of our citizens and the policy of our laws forbid that even the most atrocious offender should be virtually condemned to fever, rheumatism, or other infectious diseases, which there is sufficient reason to believe are the constant occupants of the prison.

'By the narrow limits of the enclosed grounds, and the obstructions within them, no means are afforded for exercise, and the state of the apartments prevents any active employment.

'Idleness is the inevitable consequence; or those employments, worse than idleness, which destroy all good that remained to the unfortuate being when first consigned to this miserable life.

But the most alarming evil, which has appeared to the grand jurors, is the too frequent confinement of convicted felons with those who are waiting for trial; and in some instances, against the positive provisions of law, the association of criminals with debtors.

'This is not owing to any want of attention in the sheriff or his worthy deputy, whose great tenderness and humanity the jurors have found worthy of all commendation, but to the number of persons confined and the construction of the building. There is but one apartment for white females; and whatever be the cause of commitment, all must occupy the same room.'

Having pointed out the necessity for a new building, considered the expense of it, and the means by which this expense could be met, the jurors concluded by the following impressive remark.

'If in this respect [the expense] they are in error, they are certain that funds can be in other ways supplied.

'It cannot for a moment be admitted that the citizens of this prosperous and charitable county would tolerate the existence of misery, and disease. and wretchedness, and crime, if they could be removed by any reasonable demand on their wealth, and the grand jurors are willing to divide with the Court of Sessions the responsibility of informing their fellow citizens, that a tax for this purpose is required by the solemn obligations of duty, and that they are called upon to meet it by all their regard for justice, humanity, and reputation.'

The foregoing representation would not long since have been generally applicable throughout the Commonwealth, but in some counties an improvement in the old buildings has

been made, in others new and spacious ones have been erected, and every where an attention has been awakened to the importance of the subject.

In the capital of the state, a large and convenient lot of land bordering on Charles river has been purchased, and preparation is making for erecting a building suitable to the purposes for which it is designed, and on a scale worthy the character of an intelligent and humane community.

When it is considered that all persons suspected of crime are first confined in the county gaols, that if their offence, as is commonly the case in the beginning of iniquity, is of a kind that renders confinement there after conviction a proper punishment by law, and that the discipline is chiefly if not altogether comprised in securing the prisoners with little or no regard to their morals, instruction, or employment, it will immediately appear that they are the most frightful seminaries of crime that can well be contrived, and that they will countervail, in a shocking manner, the beneficial tendencies of a penitentiary establishment.

The alarming increase of juvenile delinquency in England has recently excited there the most painful sensations. In this country melancholy examples of a similar nature have not been wanting, and our county gaols have been inhabited by many a youthful culprit, whom the humanity of the laws would not send to the penitentiary. Mistaken kindness! Instead of placing him, where his mind might be purified by instruction, and his habits of laziness made to yield to the necessity of labour, he is confined, without employment, among older villains, wastes his time in listening to their tales of profligacy, becomes an adept in the arts and the language of the craft, and is set free when he has become familiar with the persons and resort of the violators of every statute of the country.

It is necessary that most of the older county prisons be reformed and many of them rebuilt; that rooms enough be made to give the means of complete classification; that a court-yard for exercise, and workshops for labour be annexed to each of them, and that no person within the house be indulged in idleness, but made to work, whether the result be or be not profitable to the public: that instruction be provided, that spirituous liquors and implements of gambling be prohibited, and the prohibition enforced; that the sick be separated from the

well, and that a wholesome severity of discipline be observed, which, having all due regard to humanity, should make the place dreaded by the idle, the vicious, the extravagant, and that great and increasing class of offenders, who minister to the corrupt passions of the community.

No objection can be made but to the expense of all this, and no expense can be so much required by charity and virtue and policy, and we might say by the most rigorous economy. The plan for this purpose is not within the objects of the present inquiry; but we are sure it is perfectly feasible without throwing an injurious burthen on the community.

Having taken advantage of Mr. Roscoe's book to express so fully our own ideas on the important subject of punishment for crime, we have the less room to speak of the manner in which he has presented the subject to his readers. Whoever will consult the work will find it abounding in valuable facts, in forcible illustrations, and sound arguments. We have already suggested that the only exception we are disposed to take to it is that which proceeds from his enthusiasm; and that having disguised some of the evils which have as yet been found intrinsically belonging to his system, he prepares a disappointment for the public mind, which cannot but be injurious to these humane establishments.

Under a careful and prudent administration, we are satisfied the penitentiary system will answer all reasonable expectations. But the system must be theoretically complete and carefully executed. Its details must be intrusted to men of intelligence and humanity,—and something beyond the mere excitement of a pecuniary compensation be an inducement for their exertion. When this is accomplished, there will remain no doubt of its advantages, and that whether we take into view the security of society, the reformation of the offender, or the bad habits and feelings which are prevented by abstaining from cruel and barbarous exhibitions of punishment. It will be found the least of those evils which the perpetration of crime necessarily brings on the community.

ART. XIV.—1. *Abhandlung ueber die leichteste und bequemste Methode die Bahne eines Cometen aus einigen Beobachtungen zu berechnen. Von Wilhelm Olbers, der Medicin Doctor, Mitgliede der kaiserlichen Akademie der Naturforscher, und der Königl. Societät zu Göttingen Correspondenten.* Weimar, 1797.——*A treatise upon the most easy and convenient method of computing the path of a comet, from several observations. By William Olbers, M. D.* Weimar, 1797.

2. *Theoria motus corporum cœlestium in sectionibus conicis solem ambientium, auctore Carolo Friderico Gauss.* Hamburghi, 1809.

OUR object in bringing these works into view at the present time, is not so much to enter into a discussion of the subjects treated in them, as to call the attention of the astronomers and mathematicians of our country to some of the improvements in the science, which have been for some time in common use in Germany, but which are hardly known here. The first of these works treats of the shortest and most convenient method of computing the orbit of a comet from three geocentric observations. It is above twenty years since it was published, but it was not known in our country till very lately, when it came into some notice, in consequence of the extracts made from it by Delambre* in his astronomy, and even now it may be questioned whether there are two copies of the original work in the United States. It met with the same fate in Great Britain, as is evident from the Transactions of the Royal Society of London, for the year 1814. That volume of the Transactions contains an interesting paper by Mr. Ivory on the theory of comets, in which, with his usual elegance, he discusses the subject in a manner somewhat original, and finally gives as his own a short and easy method to compute the orbit. This method upon examination turns out to be nothing more than that, which Dr. Olbers had published in the work before us, above seventeen years before, although this coincidence must have been wholly unknown to Mr. Ivory, and to the other members of the

* John Baptist Joseph Delambre was born at Amiens, Sept. 19, 1749. He is the greatest of the present French astronomers, and is well known by his tables of Jupiter, Saturn, and the satellites of Jupiter, his account of the measure of the arc of the meridian of France, his complete system of astronomy, his history of ancient astronomy, &c.

Royal Society. We consider this as a striking instance of the little attention paid in Great Britain to works of mathematical science printed in Germany.

Another proof of this neglect of continental science, connected, we are happy to add, with an effort to amend it, is furnished by Mr. Lindenau, who, in the *Journal for Astronomy*, informs us that an advertisement was inserted in a late number of one of the first scientific journals in London, for a copy of Bode's *Anleitung zur Sternkunde, (Introduction to Astronomy,)* and *Uranographie*, which were not to be found in any of the shops in London.

It is not indeed with respect to mathematics and astronomy alone, that our brethren beyond the water are chargeable with a neglect of continental literature. We have as yet seen no notice of consequence, in any British Journal, of Mr. Bouterwek's History of English Poetry, which forms a portion of his large history of belles lettres in modern Europe. Sismondi has borrowed liberally from this work, and professes his obligations to it. And though a work embracing the elegant literature of the Portuguese, Spanish, French, Italian, German, and English languages, cannot be expected to be executed equally well in every part, yet we surely have no book in our own language, which can claim equality with that portion of Mr. Bouterwek's, which treats of England. The French have long since translated the volumes, which contain the history of their literature; but those which are devoted to that of England are not even known to the nation most concerned to read them. There is in fact a superciliousness in the manner, in which our transatlantic brethren are apt to speak of Germany and German learning, highly unbecoming the courtesy of true scholarship, and unfavourable to the progress of learning. It is an inadequate excuse for this, that they do not understand the language and literature which they disparage. For besides that not understanding a thing is a poor excuse for vilifying it; the same unfriendly spirit prevails in those departments of study, which are pursued in the Latin language. We have never witnessed without regret the unfriendly tone assumed by so great and wonderful a man as Porson, toward scholars like Hermann and Jacobs; and this feeling of regret at a tone, which the unquestioned superiority of Porson might palliate in him, turns into disgust, when we see it imitated by such disciples as Bloomfield and

Kidd, toward men like Seidler and Schæfer. The cause of classical learning in England needs not the aid of such an affectation of superiority. For, though the number of profound classical scholars is far greater in Germany than in England, and the progress made by the Germans in some parts of classical literature, as particularly the doctrine of the Greek metres, is beyond any thing which the English press has yet shown us, still the memory of Porson, and the reputation of Gaisford, Elmsley, and Dobre, are praise enough for this generation, to enable it to enter honourably into the comparison with any other country or age, in the department of Greek literature.

We should not have dwelt so long on this topic, had not the cause of learning suffered a serious detriment from the unfriendly spirit in question, of which we will give one more instance. It is known to every biblical scholar, that the translation of Michaelis, by the present Bishop of Peterborough, the only living theologian of any considerable note in the church of England, has produced a new era in the science of theology in that country. It was therefore to be supposed that farther light and aid from this language would have come with a favourable prepossession to English biblical critics. So far has this fair expectation been disappointed, that every attempt to translate Eichhorn's Introduction to the Old Testament, a work in every respect incomparably superior to the Introduction of Michaelis to the New Testament, has been systematically discouraged. Dr. Geddes informs us in a Latin letter to Eichhorn, appended to Good's life of the Doctor, that on his presenting a proposal for such a translation to Bishop Horsley, he was treated with great rudeness by that prelate.

This might the sooner be pardoned from Bishop Horsley, who, not knowing the German language, might more naturally be insensible to the value of an author like Eichhorn. But what shall we say to language like that which we are about to quote from Bishop Marsh himself, the translator of Michaelis, whom ten years' residence at Leipsic must have put in a capacity, one would think, to translate any German author. 'Nor can it be necessary to say any thing more at present of Eichhorn's Introduction, which has never been translated, *and from the difficulties, both of the language and*

of the subject, cannot be understood by many English readers.' (Lect. iii. p. 60, Amer. edit.) Does this mean that an English reader, *not* understanding German, would be unable to read the work? If it do, the proposition is correct to be sure, but singularly nugatory. If it mean that an English reader, understanding German, would still be unable to understand this work, we wonder at the assertion, and wholly deny its correctness.

We make these remarks without any fear of an invidious interpretation. Eichhorn's work is well known in this country, and as universally prized for its extent of erudition, as reprobated for the license of the theological views which it implies.

But to return to the works before us; the author of the first named, Dr. Olbers, is well known as one of the most distinguished astronomers of the present day. He was born at Arbergen, in Germany, Oct. 11, 1758, and now resides in Bremen, where he has erected an observatory upon the top of his house. He is skilful as a physician, but retired from practice, except in cases of friendship or charity; but particularly eminent as an astronomer and a mathematician. His most important publication is the work here mentioned. To him we owe the discovery of the planets Pallas and Vesta. He also discovered a very singular comet, or collection of shining matter, without a nucleus, and so extremely rare, that it did not obscure the smallest fixed stars, when passing centrally over them, and what is most remarkable, this small speck of light is revolving somewhat like a primary planet about the sun in a period of 75 years. The excellent character and talents of Dr. Olbers make him an object of the greatest respect and love. One of the most noted of the German astronomers, when giving an account of this little comet, says, very happily, 'Our Olbers, the fortunate Columbus of the planetary world, was the discoverer of this wonderful star. Science and her votaries feel the most lively interest in this uncommon man, who, in his peaceful path marked with intellectual energy, has discovered to us three new worlds. In the strict sense of the word, he may be called the favourite of the heavens and of the earth, useful to all; in the day stretching forth his helping hand to relieve the distresses of suffering humanity, and in the darkness of the night penetrating into the farthest recesses of the starry firmament.'

It is not our intention to go into a particular analysis of the improvements made by Dr. Olbers in his work, which could not be explained very easily without reference to a diagram. It will suffice to observe, that his solution of what Newton called *Problema longe difficilimum* is *direct*, by means of three equations of easy computation; and the importance of this solution may be estimated from the circumstance that Mr. Ivory, whose writings place him in the rank of the first mathematicians now living in Great Britain, adopted it, as much more easy than any other known method, as, for example, those of Boscovich, La Place, Legendre, &c. Moreover, Delambre in his astronomy says it is one of the most simple and ingenious methods that has ever been discovered.

The second work before us, *Theoria motus corporum*, &c. is by Professor Charles Frederic Gauss of Göttingen. He is a native, we believe, of Brunswick, and was first brought into notice at the high school there by the celebrated Zimmermann, to whom the mathematical talents of the young Gauss were accidentally made known, and who recommended him to the patronage of the Duke of Brunswick. He is now about 40 years old, and is considered one of the most accurate and rapid calculators in the world. He is eminent as an astronomer, and may be placed at the head of the German mathematicians. He has charge of the observatory at Göttingen. The prize medal founded by La Lande was awarded to him, for his *Theoria motus*, &c. by the National Institute of France. He has also published a celebrated work on the theory of numbers, and several papers in scientific journals.

The chief object of his *Theoria motus corporum*, the work before us, is the solution of this general and important problem, *to determine the orbit of any heavenly body, by three geocentric observations, without any arbitrary hypothesis, the time elapsed between the observations being so small as to afford little or no room for selection, or for the application of any particular method*, and embracing every kind of orbit, whether it be an ellipsis, parabola, or hyperbola. This evidently includes Dr. Olbers' problem, which is limited to a parabola, as a particular case of the general solution. It would exceed the limits assigned to this article to analyze fully this important work; we shall therefore only mention the chief divisions and the objects treated of, with a few incidental remarks.

The work is divided into two books, with the following title;

Liber primus. Relationes generales inter quantitates, per quas corporum cœlestium motus circa solem definiuntur.

Liber secundus. Investigatio orbitarum corporum cœlestium ex observationibus geocentricis.

The first book is divided into four sections.

1. Relationes ad locum simplicem in orbita spectantes.
2. Relationes ad locum simplicem in spatio spectantes.
3. Relationes inter locos plures in orbita.
4. Relationes inter locos plures in spatio.

The first section treats of the motion of a planet about the sun, in any conic section, and the whole theory of this motion in the ellipsis, parabola, and hyperbola, is reduced to equations between some of the elements of the orbit, the anomaly of the planet, and its distance from the sun. What deserves most notice for its novelty is the manner in which the *true* anomaly is deduced from the *mean*, in an orbit of great eccentricity, by a very simple, accurate, and elegant method, using an auxiliary table, computed carefully to seven places of decimals and given at the end of the work.

The situation of the planet in the plane of its orbit being found, as in the first section, it is referred to the ecliptic, to the equator, or to any other plane, by the theorem given in the second section; where are also various formulas useful in computing the geocentric places from the heliocentric, and the contrary; also several methods of finding or making allowance for the aberration and parallax, some of which are wholly new and remarkably well adapted to the calculation of the orbit of a comet or planet, where situation and motion have not been previously ascertained to a considerable degree of accuracy. Another very important part of this section consists in a very full explanation of the method of computing the variations of the geocentric longitude and latitude of a heavenly body produced by small variations in any or all the elements of the orbit.

The third section contains the solutions of several very useful problems. For example, 1. The computation of the elements of the orbit, from three heliocentric places and distances from the sun. 2. The deduction of the same elements

from two heliocentric places and distances from the sun, together with the time elapsed between the two observations. The solution of this problem is new and very accurate, by means of tables given at the end of the work. 3. A demonstration of the famous theorem given by Lambert, to determine the elapsed time by means of the two *radii vectores* and the chord of the described arc of any conic section. In the fourth section some of the formulas contained in the third are generalized. In these sections are many theorems in spherical trigonometry first discovered and published by Professor Gauss.

The second book is likewise divided into four sections, viz.

1. Determinatio orbitæ e tribus observationibus completis.
2. Determinatio orbitæ e quatuor observationibus, quarum duæ tantum completæ sunt.
3. Determinatio orbitæ observationibus quotcunque quam proxime satis facientis.
4. De determinatione orbitarum, habitâ ratione perturbationum.

In the first section, is explained the manner of correcting the three proposed observations for the effects of aberration and parallax, also the method of obtaining, by successive operations, the elements of the orbit, when they had been found nearly by a previous calculation; afterwards the principles of the different method which may be used for the first approximation are pointed out, and that which was found upon examination to be the most simple is explained in all its details. In the preparatory calculation, some of the principles of Dr. Olbers' method are used and the process is finally reduced to an equation of the transcendent kind but of very easy solution, by means of a table of sines, so that by repeating the operation two or three times, the required elements of the orbit may be obtained to a considerable degree of accuracy. To illustrate the method there are given three examples; in one of which the place of the planet is referred to the equator by its right ascension and declination, instead of the usual method of the longitude and latitude, which has sometimes the advantage, particularly when it is required to compare a great number of *observed* right ascensions and declinations with the *computed* places, to obtain by their general combination the most correct values of the elements.

When the inclination of the orbit is small, the least error

in the latitude might produce a considerable difference in the place of the node and in the elements of the orbit. In this case it is necessary to depend more upon the longitudes of the planet, by using four observations instead of three, and this case is treated of where the formulas necessary for the solution are investigated and an example is given to illustrate them.

When a great number of observations of a heavenly body have been obtained, all of which are liable to small errors, and no reason why any particular portion should be selected in preference to the rest as the basis to determine the orbit; it becomes a question how to combine the whole so as to obtain the most accurate result. The method proposed by Professor Gauss and used by him since the year 1795 (and which was also invented by Legendre a few years afterwards) is the principle known by the name of the *least squares:* which consists in this; the difference between the *computed* and *observed* place being considered as the error of the observation, those elements are to be selected, which will render *the sum of the squares of all these errors a minimum.* This principle is now generally used by mathematicians and astronomers, and it is explained by Professor Gauss in the third section of the second book.

The fourth section contains the method of correcting the elements for the effect of the disturbing forces of the planets. This cannot be done till the orbit has been nearly ascertained by previous calculation, and then the perturbations being computed in this orbit and applied to the observed places will give the corrected values, to be used in finding the true elements of the motion.

The importance of the improved methods of Professor Gauss was exemplified several times in the computation of the orbits of the four new planets, particularly Ceres, discovered by Piazzi,* a few days before its conjunction with the sun. It remained obscured in the sun's rays above ten months, and after the conjunction it was sought for in vain, during several weeks, by many European astronomers; at length Baron Zach, furnished with an ephemeris of its motion computed by Professor Gauss, found it again the first clear night

* Joseph Piazzi, known by the discovery of the planet Ceres and by his excellent catalogue of the fixed stars, was born at Ponte in Italy in 1746. He has now the direction of the celebrated observatory at Palermo in Sicily.

he looked for it. The great simplicity of these methods, as well as the astonishing rapidity with which Professer Gauss performs such laborious calculations, is shown in the very remarkable instance of his computing (to a considerable degree of accuracy) in the period of *eight* hours, the orbit of the planet Vesta, with observations embracing a period of only nineteen days' motion. Fifty years ago it would have been considered as the labour of several days to find from such data the parabolic orbit of a comet, which is a much more simple problem, than that undertaken and completed by Professor Gauss.

The two works we have mentioned would alone show the usefulness of a greater attention to the scientific improvements of German astronomers, and we might if it were necessary give farther proof by inserting a large catalogue of useful works on the science of astronomy, printed in the German language. But we shall limit ourselves to a short notice of three of their most noted periodical publications, namely, Bode's *Astronomisches Jahrbuch, (Astronomical Ephemeris,) Baron Zach's Monatliche Correspondenz, (Monthly Correspondence,)* and the *Zeitschrift für Astronomie, (Journal of Astronomy,)* by Lindenau and Bohnenberger. The first of these works, published at Berlin by Bode, since the year 1776, contains (besides the calculations usually found in an ephemeris) a valuable collection of tables and formulas, of such importance to astronomers, that De la Lande was induced to say, that from the epoch of its first publication astronomers *were obliged to learn the German language, as they could not dispense with the use of that work.* The publication is still continued, and the whole set now consists of about forty five octavo volumes, which may be procured for sixty dollars.

The *Monatliche Correspondenz* contains a most valuable collection of original and selected papers and tables on astronomy and geography, published at Gotha from 1800 to 1813, making in all twenty eight octavo volumes, of about 600 pages each. It comprises almost every thing that was done for the improvement of astronomy and geography during that period, and contains the latitudes and longitudes of thousands of places in every part of the globe, determined by trigonometrical surveys and astronomical observations. The whole can be purchased in Europe for the moderate sum of thirty two dollars. The editor, Francis Xavier de Zach, is a Bar-

on of the German empire, and was born at Pest in Hungary, June 15, 1754. After visiting most of the observatories in Europe, he took charge of the excellent one erected at Seeberg near Gotha, where he continued with great usefulness for many years. He published new solar tables and other tables of great value, was the founder and chief conductor of the work we are mentioning, which contains many of his papers, and is now the editor of a similar work, printed in the French language at Geneva, entitled *Correspondence astronomique, geographique, hydrographique et statistique.*

The *Zeitschrift für Astronomie*, printed at Tübingen, was begun in 1816, upon the same plan as the preceding work. It contains an excellent introduction by Lindenau, giving an account of the labours of astronomers in all parts of the world from the time of the discontinuance of the publication of the *Monatliche Correspondenz*, also many original papers and valuable extracts from the transactions of the learned societies in different parts of the world, making it very interesting to an astronomer. Unfortunately for science this work was discontinued in 1818, after the publication of five small octavo volumes. Mr. Von Lindenau, the chief editor of this journal, assisted also very much in the publication of the Monatliche Correspondenz of Von Zach, and communicated several of his valuable papers to that work. He has given improved tables of Mercury, Venus, and Mars; and had the direction of the observatory at Seeberg, after it had been left by Von Zach.

These, and many other excellent scientific works, have been scarcely heard of in this country, from the prejudice which so generally exists that the German language is extremely difficult to learn. But it is a fact that this is not the case, so far as regards the acquirement of a *sufficient knowledge of the language to read mathematical books.* The labour necessary to obtain this limited portion of the language is not much more, than could be requisite to make the same progress in the French, which, as is well known, can be acquired with ease in a very short time. The experience of the writer of this article warrants him in the assertion, that two hours in the day for four or five months, even without the aid of a teacher, would be amply sufficient for any one who is moderately skilled in the mathematical sciences, and possessed with no more than the usual capacity for learning a language, to read

the works of German astronomers and mathematicians with tolerable facility. This surely would be but a very small expense of time to obtain a knowledge of the native language of Kepler, Mayer, Herschel, Zach, Gauss, Bessel,* Burg,† Lindenau, Burckhardt,‡ and a multitude of others of celebrity, to whom the science of astronomy owes some of its most important improvements. To Kepler we are indebted for the foundation of modern astronomy, by his discovery of the laws of the elliptical motion of the planets. To Mayer, eminent for his mathematical talents, his remarkable accuracy in observation and most indefatigable zeal, (which have justly entitled him to the appellation of one of the most eminent astronomers that ever lived,) we owe an excellent catalogue of the fixed stars, and the important improvements in the lunar tables, which first enabled navigators to determine, by observation, the longitude at sea. These tables received their last improvements, which have given to them their present convenient form and astonishing degree of accuracy through the immense labours of Burg and Burckhardt, who have been rewarded by the board of longitude of France.

For these tables, it is well known that a portion of the longitude prize was paid by the Parliament of Great Britain to the widow and children of Mayer, that astronomer not having lived himself to receive this reward. His son now fills the chair of natural philosophy in the University of Göttingen.

Out of *thirteen* primary planets and satellites discovered since the year 1781, we are indebted to persons born in Germany for *twelve*, and in the determination of the orbits of these new bodies, they have done more than all the other as-

* Frederick William Bessel is now about 37 years old. He was regularly educated at Bremen for a mercantile profession, but quitted it (by the advice of Doctor Olbers) to pursue an object more congenial to the natural bent of his genius, and devoted himself, with great ardor, to astronomy with brilliant success. He has now the direction of the new and excellent observatory at Königsberg, and has published several works which do him great honour, particularly the *Fundamenta Astronomiæ*, &c. being a complete analysis of Dr. Bradley's observations.

† John Tobias Burg was born Dec. 24, 1766, at Vienna, where he still resides; he has published several papers, but is most known for his excellent lunar tables.

‡ John Charles Burckhardt was born at Leipsic, in Germany, April 30, 1773, but is now a resident at Paris, where he has published excellent lunar tables, also a set of tables to compute the place of a comet, being an improvement on those given by Delambre, Vince, &c.

tronomers in the world. It is true, that Herschel resided in England when he discovered Uranus and the satellites, and his papers are written in our own language. He was born in Hanover in 1738, and came originally we believe to England, attached, in some subordinate capacity, to the German legion. Besides the planet Uranus and its six satellites, he has also discovered two satellites of Saturn, many double stars, nebulæ, &c. These discoveries have been all made in England, where he has been established in an observatory by the munificence of his sovereign. It is remarkable that the *planet* first discovered by Herschel had been observed at least ten times before as a *fixed star* by some of the most eminent astronomers, namely Flamsteed in 1690, 1712, 1715; Bradley in 1753; Mayer in 1755, and Le Monnier in 1764 and 1768.

Notwithstanding the exception to be made of the works of this last mentioned astronomer which are in English, as also of the Latin works of other German astronomers, our readers will easily see, from the imperfect enumeration which we have made, that much remains for which a knowledge of the German language is indispensable to the astronomer.

Having, in the course of this article, given a few biographical hints of the eminent astronomers mentioned, we cannot allow ourselves to pass over the most distinguished name which it contains, without a similar notice. Peter Simon de la Place, Count of the French empire, was born at Beaumont-en-Auge, March 24, 1749, and is allowed by all to be the greatest mathematician now living. The volumes of the Academy of Arts and Sciences, and the National Institute of Paris, contain many of his memoirs, and he has published separately several works, particularly his *Exposition du système du monde* and his *Theorie analytique des probabilités*, and above all others his *Traité de Mécanique Céleste*, which is a complete system, explaining fully the effects of gravity upon the figures and motions of the heavenly bodies. Of the many discoveries he has made, we shall mention a few of the most remarkable for the sake of readers not conversant with his works. 1. The theory of the motions of Jupiter and Saturn, in which he discovered a very great *equation*, whose period is 917 years; this has enabled astronomers to account for several inequalities, which had for many years been observed in the motions of those planets. 2. The very remarkable equa-

tions which regulate the mean motions and the mean longitudes of the three inner satellites of Jupiter, called with great propriety, by Biot, *La Place's laws.* 3. The cause of the acceleration of the moon's motion. 4. An accurate determination of the sun's parallax by means of a small inequality in the moon's motion. 5. The quantity by which the earth is flattened at the poles, discovered by means of two small inequalities in the moon's motions. 6. The laws of capillary attraction. 7. Complete formulas and calculations of the perturbations of the motions of the planets. These discoveries, together with a multitude of improvements in analysis and in every branch of mathematical knowledge, place this immortal man far above any of his contemporaries in the walks of science.

—

We may here be permitted to add, what the delicacy of our learned correspondent led him to omit, that a translation of the entire work of the Mécanique Céleste, of de la Place, with a copious commentary, has been completed by the Hon. N. Bowditch; who has not, however, yet been prevailed upon to do honour to himself and to his country, by the publication of so great and arduous a work.

ART. XV.—*Remarks on the pronunciation of the Greek Language, occasioned by a late essay on the same subject, by John Pickering, A. A. S. By N. F. Moore.* New York, 1819, 8vo. pp. 46.

THE pronunciation of the Latin and Greek languages is not, as many students in their closets have supposed, a subject of mere curiosity, and worthy only to employ the learned leisure of an antiquarian. On the contrary, every man who has either been an instructer of youth, or has had occasion to travel and have intercourse with the learned of different nations, has felt the want of a well settled and uniform pronunciation of those languages. We, indeed, in this country are accustomed to consider even the Latin as literally a dead language; but no sooner do we set our foot on the continent of Europe than we find, to our mortification, that we have been in a gross error. We then see, that it is in daily use not only as a medium of intercourse between learned strangers

of different nations, but also in the lecture-room between the professor and the pupil of the same nation. The first thing, therefore, that we find ourselves obliged to do upon visiting the society of the scholars of Europe, is to sit down to the humble task of studying, like school-boys, the familiar dialogues of Erasmus and other writers who furnish us with as pure colloquial Latin as can at this day be attained, or perhaps need be desired. But here again our English mode of pronouncing the language presents another obstacle to our intercourse with the scholars of the continent; and we are continually exposed to the censure which Joseph Scaliger is said to have bestowed with so little ceremony upon our English brethren, from the same cause: 'Anglorum vero etiam doctissimi tam pravè Latina efferunt, ut in hac urbe, quum quidam ex ea gente per quadrantem horæ integrum apud me verba fecisset, neque ego magis eum intelligerem quam si Turcicè loquutus fuisset, hominem rogaverim ut excusatum me haberet, quod Anglicè non bene intelligerem.' *Epist.* p. 700.

What then is to be done on our part under this pressure of embarrassments; this conflict between our old habits on the one hand and the certainty of being unintelligible on the other? We know of no remedy, unless by common consent the general pronunciation of the continent of Europe should be adopted; we say, the general pronunciation, because we ought not adopt the peculiarities of any of the continental nations; we would not, for example, say with the Germans *nyter* or *noiter* for *neuter*, nor with the Italians *Tchitchero* for *Cicero*, and still less would we, with the French, throw the accent uniformly on the last syllable; but we would make the general continental pronunciation of the letters, especially of the vowels, the basis of the system. This would qualify us to converse, and to read and study advantageously, with the scholars of the continent; and at the same time enable us to read without that effort of attention which it now costs us, the many philological and other writings of those scholars relating to the interesting nations of antiquity.

The remarks which we have here made in respect to the Latin language are also, in some measure, applicable to the Greek; though an uniform pronunciation of the latter is not of so much importance, practically speaking, as of the former. In Greek, however, we possess one advantage, or, as some

may think, we are under one disadvantage, which does not exist in the case of the Latin; that is, that there is still a nation of no contemptible importance in point of numbers, whatever some may think of them in other respects, who, at this day, use a language, and pronunciation too, as they contend, which is in substance almost the same with that of their ancestors in the classic ages; and from these living instructers, therefore, we may learn a pronunciation which can lay claim to a very considerable antiquity. If we should ever be able satisfactorily to trace back this pronunciation no farther than about the period of the christian era, we presume there would be no hesitation among the learned of all countries in adopting it; because, independently of the advantage of an easy intercourse between scholars of all nations, the *pronounciation* would be just as much an essential part of this, as it is of the French, German, or any other language. Here, then, we meet the great point in controversy—Whether the present pronunciation of the Greeks is the same with that which their ancestors used down to the period when their *written* language suffered such a change as to be no longer considered classical; a period, which different persons, according to their different tastes, will fix either about the christian era, or within a century or two after it. Not that we might not content ourselves with a pronunciation of far less antiquity than that; for as Bishop Horsley observes, notwithstanding corruptions 'it may reasonably be supposed, that the pronunciation of the Greek language, even in the time of Eustathius, who flourished in the beginning of the thirteenth century, much more nearly resembled the pronunciation of the best ages, than any thing we can substitute for it now.'*

Mr. Pickering, in his essay on this subject, which was published in the last volume of the American Academy's Memoirs, (and which was examined at large in the twenty fourth number of this journal,) observes, 'that he had formerly adopted the very prevalent opinion, that the pronunciation of the Modern Greeks was grossly corrupt;' but that in the investigation of the subject which he was led to make, in consequence of conversations with individuals of the nation, he had found strong reasons for changing his opinion; he now thinks it in the highest degree probable, 'that the Greeks of

* Prosodies of the Greek and Latin languages, p. 54.

the present day pronounce very nearly as their ancestors did, as early as the commencement of the christian era, or at least just after that period;' and he has, 'without making any pretensions to new or original remarks, selected such facts and observations of the writers on this subject as appear to be the most important in a general view of the question;' and such as he hoped would 'incite some persons of more leisure and ability than himself to prosecute this interesting inquiry.'*

Mr. Moore, whose work we propose now briefly to examine, is a professor of Greek at Columbia College in New York, and he appears to have much of the spirit and zeal of a scholar; a zeal not as yet wholly chastised by that caution and circumspection, which his riper studies, we doubt not, will induce. The want of this caution has led him into some errors which he will not be offended with us for pointing out.

Mr. Moore begins as if under a strong impulse of alarm, lest Mr. Pickering's 'ingenious essay should, by leading others to the same conclusion at which he [Mr. Pickering] seems to have arrived himself, be the means of introducing in any degree into this country a pronunciation that appears to be with good reason almost universally condemned and rejected by the learned of the present age,' and in order to avert, if possible, this mischievous consequence, Mr. Moore has 'thrown together these remarks.'†

Mr. Moore has here fallen into one of those errors, to which we have just alluded, in asserting that the pronunciation of the modern Greeks (or the *Reuchlinian*, as it is called,) is 'almost universally condemned and rejected by the learned of the present age.' He does not appear to be correctly informed of the present state of the question in Europe.

The Erasmian pronunciation, it is true, is the prevalent one on the continent of Europe, and it is perhaps becoming regularly more prevalent. But the Reuchlinian has engaged a good deal of the attention of eminent scholars, for some time past, and is not without the most respectable advocates for some of its peculiarities. We have been informed, from the best authority, that Wolf, the celebrated editor of Homer, and, in some departments of the science, the acknowledged head of the German Philologists, has in an attempt to fix the ancient

* Memoirs of the American Academy, vol. v.

† Remarks, pp. 4, 5. See also remark, to the same effect, p. 8.

pronunciation of the Greek, given the modern Greek a respectable place on the list of twenty three different languages, from which he collects the sounds that he considers most nearly approaching the ancient. Wolf's essay on this subject, which was in manuscript at the time we received our information, has already perhaps appeared. Mr. Hase, a native German, but for a long time resident at Paris, a favourite pupil of Villoison, and one of the conservators of the manuscripts in the library of the king, reads an annual course of lectures on the modern Greek, and gives his opinion in favour of several of the Reuchlinian peculiarities. The pronunciation moreover is used in some of the schools in Austria and South Germany, and as we are informed, on good authority, in Sweden. There is reason also to presume that it is used in Russia, though we have no authority for asserting that it is. It is also used in Geneva.

Perhaps the strongest authority for Mr. Moore's remark, which he does not however himself allege, is the language of Hermann toward the beginning of the second chapter of his admirable work, de emendandâ ratione Græcæ Grammaticæ. He there says, 'Illorum quidem sententia qui cum hodiernâ Græcæ linguæ pronunciatione veterem conspirasse putant, merito ita jam a viris doctis contempta est, ut si quis hodie eam defendere auderet, ridendum se ac despiciendum præbere videretur.' But this strong language of Hermann, a scholar by the way whose warmth of statement is not less remarkable than his erudition, was used eighteen years ago; since which period the distinguished criticks whose names we have quoted have given the sanction of their authority to several points of the Reuchlinian pronunciation. Moreover Hermann himself, in a subsequent chapter of this work, makes this very remarkable concession, which abstracts much from the justice of the general remark just quoted from him. 'Digna hodierno Græciæ servitio ea lingua est, quam nunc in illis regionibus loquuntur, in quibus olim, florentibus rebus Græcorum, ad summum sermo humanus pervenerat fastigium. Non potuere tamen omnia veteris linguæ monumenta, *ne in pronunciatione quidem*, funditus extirpari. Sed quod merito quis miretur, etsi in vocalium usu omnia immutata sint, *Consonantium tamen vim*, secus atque in aliis linguis accidisse videmus, *integram ac genuinam* usque ad hunc diem Græcia conservavit.' Not only does Hermann, in this passage, allow

that the modern Greeks have retained the pure and genuine sound of the consonants, but he had previously approved their pronunciation of αι, and as it should seem, of ει. His words are—'Mihi quidem αι recte videtur ab Reuchlinianis ita pronunciari ut media sit inter *a* and *e*'—And 'Diphthongum ει male pronunciari plenâ voce ut Germanicum *ei* aut Britannorum *i* longum vel Latina lingua docere potest, quæ istam diphthongum nunc in *e* nunc in *i* mutat, &c. Ex quibus merito colligi videtur, diphthongi ει sonum fuisse medium inter *e* et *i*,' &c. For the sake of illustrating more fully the state of the controversy on the continent of Europe, we add a remark or two from Buttmann and Matthiæ, after Hermann the most distinguished Greek grammarians in Germany. The former in his larger Greek grammar says, 'among the modern ways of pronouncing the Greek, the two most considerable are the Reuchlinian and the Erasmian. We adopt the latter in this work, not only as it is constantly becoming more universal, but as it has the greatest internal proof,' &c. p. 12th of the 7th Edit. Mr. Buttmann, however, observes in a note, a few pages farther on, 'that it is by no means his intention to maintain that the modern pronunciation is merely a corruption of the ancient. On the contrary, it is clear from many traces, that the modern pronunciation is, for the most part, really grounded on an ancient pronunciation. This, however, could not have been that prevailing in the predominant dialect.'p.19. This suggestion, that the modern Greek pronunciation probably coincides, to a great degree, with an ancient provincial pronunciation is worthy of attention. It ought to be examined in connexion with the theory of Psalida, and other learned modern Greeks, who maintain, in opposition to the school of Coray, that the present Romaic is not to be viewed as a corruption of the ancient tongue, but as the remains, in a considerable degree unchanged, of an ancient dialect, which they call the Æolo-Doric. Certain it is, that several words, now set down among the barbarisms of the modern Greek, are ancient colloquial words, which were not elevated into the written language. The number of words traced to this source would no doubt be much greater than it now is, did not the nature of the case make it almost impossible for us to know any thing of the ancient spoken language, as distinct from the written. Coray in his notes to Heliodorus quotes a striking instance in the word *Phingari*,

the modern Greek for *moon*, and shows, from several authorities, particularly that of Aristophanes, that φέγγος was applied by the ancients to moon, in distinction from φῶς, which was used of the sun. (ΗΛΙΟΔΩΡΟΥ Αἰθιοπικῶν. Μερ. Β. σελ. 289, 290.) The Romaic for wine, κρασί, is, we doubt not, of equally respectable origin, for Suidas defines it to be μίξις οἴνου καὶ ὕδατος, an accurate definition of wine, we are sure, in most of the taverns of the earth. We are not sure that as much, if not more, might not be said for the antiquity of the Romaic, as of the Italian; and it is well known that scholars, second to none in learning and ingenuity, have maintained that modern Italian is a form of Latin already existing in the Augustan age. The various shades of this opinion as maintained by Aretino, Bembo, Quadrio, and Maffei, may be seen briefly quoted by Tiraboschi, Storia della Letterat. Ital. Tom. iii. præf.

To return to the point immediately before us, viz. the present standing of the Reuchlinian pronunciation in Europe, we only add that Matthiæ thus speaks of it. 'We have in Germany two modes of pronouncing the Greek vowels and consonants. According to one, which was recommended by Reuchlin, and which agrees with the pronunciation of the modern Greeks, η, ει, and οι are pronounced as *i*, αυ like *af*, αι like *æ*, and ευ like *ef*. The other mode was introduced by Erasmus, and is preferable, were it only for its greater clearness.' p. 14. When he comes to the consonants, he of course gives the preference to several of the Reuchlinian sounds. As the authorities, which we have hitherto adduced apply only to the transalpine nations, we add that we have repeatedly been told by scholars of the Abbè Caluso, mentioned in the first article of our present volume, the learned friend of Alfieri, and a professor in the university at Turin, that this distinguished scholar gave the preference to the modern Greek pronunciation.

In page 6, of his remarks, Mr. Moore seems to have fallen into an error, by following too closely a single author, though one of celebrity, instead of comparing the accounts of various writers. He observes, that the present pronunciation of the modern Greeks 'differs in some respects from that which Caninius describes as the vulgar pronunciation of his time, and condemns as absurd. According to him, the diphthong αι

also had the same sound with the six vowels and diphthongs, to which Mr. Pickering assigns the single sound of ι.' Mr. Moore, here taking it for granted, that this remark of Caninius is well founded, and rightly supposing that the reader would expect him to reconcile this extraordinary assertion with what other writers state to be the fact, namely, that αι was sounded like ε and not like ι, adds this observation: 'This *further change* may, perhaps, have taken place in the language of the modern Greeks during the two hundred and seventy years that have elapsed since Caninius wrote.' p. 6. But Mr. Moore need not have given himself the trouble of solving a difficulty, which he will perceive upon further reflection did not exist; for it is clear that Caninius, with all his learning, must have been mistaken as to the general usage of the Greeks, when he asserts that they gave the diphthong αι the same sound with ει and the other diphthongs and vowels mentioned by him. We venture to make this remark, because, according to the biographers, Caninius published his work in 1555, (only about five and twenty years after the Erasmian controversy was begun,) and as in that whole controversy it is taken for granted by the other writers on both sides, that the Greeks then pronounced the diphthong αι like ε, it is impossible that Caninius can be correct in asserting that at the same period they pronounced it like ει, ι, &c.

We have made these remarks on the introductory portion of Mr. Moore's essay, certainly not from a desire to differ from him, but to point out the real state of the controversy, which he appears to have misapprehended, and to make it apparent that an investigation of this delicate nature ought to be conducted with great care and deliberation; and that it is not safe to rely implicitly upon single writers on the one side or on the other, because their prejudices or want of information may mislead us, in respect to some points of essential importance in the inquiry. We may add, that the mere authority of names in this case is of little weight; we do not want opinions, but facts. It is also not our intention to take part in the controversy between Mr. Pickering and Mr. Moore, if a controversy can be said to exist between them; not that we are without an opinion of our own, but that we do not think it necessary to descend with our humble interference into the arena, while two such able combatants are engaged. We shall confine ourselves to the simple inquiry, in what

manner Mr. Moore has replied to the principal statements of Mr. Pickering.

Mr. Moore observes, that 'the most obvious objection to the Reuchlinian pronunciation is, the similar sound it gives to so many vowels and diphthongs, and the consequent difficulty of discriminating many words in discourse, and understanding what is spoken.' p. 9. To this objection Mr. Pickering had made the answer which was given by a native Greek to the English professor, Winterton, namely, that words of the same sound, but different in meaning, are distinguished by the *construction;* as in fact they are in other languages. As it is a question not what a pronunciation *à priori* ought to be, but what it can be believed in fact to have been, we conceive this answer to be perfectly conclusive; and we think every man, who has studied any language beside his own, will feel the full force of it. Mr. Moore himself, indeed, while attempting to reply to it in general terms, evades the real question, and contents himself with observing, that 'this argument may in fact be turned with some force against the *expediency*, at least, of the modern Greek pronunciation.' But the question is not whether it is *expedient* to adopt the pronunciation of the modern Greeks, but whether, in point of fact, their pronunciation is substantially that of the ancients. 'Postremo, ut verbo defungar (to apply a remark of Wolff's) tota quæstio nostra historica et critica est, non de *optabili* re, sed de re *facta*.' *Præf. Homer, p.* 23, *fol. Lips.* 1806.

To soften a little the difficulty arising from this ambiguity of the Reuchlinian pronunciation, Mr. Pickering, in his Memoir, p. 17, quoted seven vowels or diphthongs, *œ, e, ee, ea, ei, ie,* and *i,* which have all, in English, the same sound as *œ* in Cæsar. But this sort of ambiguity is not confined to the English. Barruel observes (in his plan d' education nationale considereé, sous le rapport des livres elementaires, p. 46, 47.) 'Je ne citerai qu' un seul exemple, pour faire sentir combien notre orthographie est vicieuse. Nous avons environ *trente maniéres* de representer le son *an,* qui est un son simple, pour lequel il suffiroit d' une seule lettre, comme on le voit dans les mots suivans, y comprenant ceux, qui sont susceptibles de recevoir un *s,* pour le pluriel; Adam, Camp, emblême, tems, Alcoran, flanc, Marchand, Sang, Sans, Mordant, Rouen, Je defends, il defend, hareng, encens, evident, mangeant, Caen, Paon.'

Mr. Moore admits, p. 13, that sixteen letters of the alpha-

bet are pronounced by the Erasmians and Reuchlinians very nearly alike; so that he does not consider it necessary to bring them under discussion. If then so large a proportion of the letters are allowed by the Erasmians to be pronounced right, or very nearly right by the modern Greeks, Mr. Pickering could not be thought rash in arguing, that they also pronounce the others with about the same degree of correctness; and the more so, as the present pronunciation of some of those sixteen letters (for example, θ, χ, and some others,) is defended principally, if not entirely, on the ground of the usage of the modern Greeks.

It would of course carry us out of our limits to follow Mr. Moore through every page of his pamphlet; we must, however, occasionally go a little into detail in respect to the rules and principles, by which scholars have been usually governed in this inquiry, but upon some of which Mr. Moore seems to place no reliance whatever. We must, for instance, differ from him entirely in his mode of treating the arguments founded upon the false spellings, which are so common in manuscripts and inscriptions. The learned have hitherto considered these false spellings as affording pretty satisfactory evidence of the pronunciation of the ancient languages; for as the words were dictated, the copyist, unless very accurately acquainted with the established orthography of the language he was writing, would be very likely to substitute, for the true letter or syllable of a word, such other letters or syllables as had the same, or nearly the same sound with the true ones. A single instance or two, indeed, of this nature throughout the whole range of ancient literature would not be very important to us in this case; but when we find certain letters continually interchanged in the MSS. and other monuments of antiquity, we can draw no other conclusion than the one common among the learned—that those letters must have closely resembled each other in sound. Le Clerc observes—'Non minor est confusio in Græcis, imo major, quod soni trium vocalium, et plurium diphthongorum *non multum, in Græca lingua, diversi essent;* η, nempe, ι, et υ sono valde erant adfinia; diphthongique αι, αυ, ει, ευ, ηυ, οι et υι pæne idem sonabant auribus parum adtentis, aut si minus distincte pronunciarentur.' The learned author then adds—'Hinc fit ut et inter se et cum tribus memoratis litteris [η, ι, υ] in antiquissimis MSS. misceantur. Ac sæpe quoque

confunditur cum ε, non secus ac AE apud Latinos.* We must, therefore, enter our protest against such an observation as the following of Mr. Moore's on so acknowledged a rule of criticism; that the false spelling in the Herculanean manuscript, 'seems to prove nothing but the ignorance or negligence of the copyists, and the little reliance to be placed on arguments drawn from their practice!' p. 22. Suppose a Greek, who had made himself acquainted with the common orthography of the English language, should find certain letters and syllables perpetually interchanged in our writings, as we now do in those of his nation; as, for example, if he should happen to fall upon that whimsical looking volume of our learned countryman, Mr. Webster, '*Fugitiv* Writings,' and should there meet with such a passage as the following: 'I very *erly discuvered*, that *altho* the name of an old respectable *karacter givs* credit and consequence to *hiz ritings*, yet the name of a *yung* man *iz* often prejudicial to *hiz* performances.'—'Much time *haz* been spent, which I do not regret, and much censure incurred, which my *hart* tells me I do not *deserv*.' *Pref.* p. 9 & 10. If the Greek, we say, should, not only in Mr. Webster's fanciful book, but in other English writings, continually meet with such deviations from the established orthography of our language, whether it proceeded from 'ignorance' or not, would he not naturally conclude that these were only different modes of denoting the same or or kindred sounds?

At p. 13, Mr. Moore proceeds to consider the sound of the letter β, which the modern Greeks, it is well known, pronounce, as nearly as possible, like our V. Now as the Latin B in modern times has had the sound which Europeans in general give to that letter in their own languages, it has been inferred by the Erasmian writers, that the Greek β had also that sound; it being the prevailing opinion that the Greeks and Romans used these letters to express the same, or very nearly the same sound. Mr. Pickering, without denying that the two letters might anciently denote the same, or nearly the same sound, observes, that there are 'many strong reasons for doubting whether either of them had formerly the distinct sound of the modern B;' but he thinks it probable that they both had a sound more like V than B; and he discribes it as 'perhaps a sound between our V and our W.'†

* Ars Critic. p. iii. sect. i. c. 6. vol. ii. p. 58, edit. 1778.
† P. 26, 29, 31.

The Romans unquestionably pronounced their B much after this manner as early as the fourth century at least; and this pronunciation has been handed down to our own times, in the Spanish language, the most legitimate daughter of the Latin. How much earlier the Romans pronounced it in this manner, it may not be easy to determine, but we know of no decisive indications of any material change having taken place at that period. Hence Mr. Pickering's inference that the Greek β was anciently pronounced much as it now is, viz. like our V, is by no means improbable. We notice here with reluctance a remark of Mr. Moore's which does not breathe that respect to which Mr. Pickering is so eminently entitled, and which is made on an expression of Mr. Pickering's, in which the Spaniards and Portuguese are called a Roman colony. 'I do not understand,' says Mr. Moore (p. 14, note) 'what Mr. Pickering means by calling the Spaniards and Portuguese a Roman colony.' It is evident, that Mr. Pickering meant the same thing that Mr. Moore does, who adds to this remark of his own: 'These countries were, it is true, reduced to the form of provinces, of which they constituted three, and *colonies* were sent into various parts of them.' Mr. Pickering in the same note, of which Mr. Moore has cited a part, speaks of them as 'the *provinces* of Spain and Portugal.' In the same note Mr. Moore makes this observation—'that Latin was ever so well spoken there [in Spain and Portugal] as in Italy is very improbable.' On re-perusing the essay of Mr. Pickering, Mr. Moore will see that he has not accurately attended to the force of the observation which he is here combating. Mr. Pickering does not say that Latin was as well spoken in those provinces, as in Italy; on the contrary, he supposes their pronunciation to have been 'tinctured perhaps with a *provincial* rusticity;' but he remarks that, notwithstanding this, he has often thought it probable 'that *more* of the ancient masculine pronunciation' may have been retained in those provinces than in Italy, for the causes which he assigns. To revert, however, to the main point, Mr. Moore is by no means willing to grant that β may anciently have been pronounced like V, and his reason for dissenting is, 'because the Latin V consonant had not the sound of the modern Greek β, but of our W; and the Greeks, having no single character to express this sound, either used β as an approximation to it, or rendered it more exactly by

their diphthong *ου*.' p. 14. Now to this may be rejoined, that there is not so essential a difference between the letters V and W, as to affect the argument adopted by Mr. Pickering; for he defends the usage of the modern Greeks in this instance by supposing that the *β* of the Greeks and the B of the Romans anciently had 'perhaps a sound between our V and W;' which the Greeks, in writing Roman words, sometimes expressed by *β* and sometimes by the diphthong *ου*.' This last fact incontestably proves, that *ου* and *β* must have closely resembled each other; and whether they had the broad and lax sound of W or the more compressed one of V, the modern Greeks would have pretty good grounds for maintaining their present pronunciation. We shall have occasion to add some further remarks upon this letter, when we come to another part of Mr. Moore's pamphlet. Meantime we remark that Mr. Moore, at p. 28, in a note, cites very properly on this same point the authority of Dawes, an Englishman; but when he proceeds to couple with him the continental scholar Vossius, who says of the Romans—'V efferbant ut Germani duplex W,' it is apparent that Mr. Moore has overlooked the circumstance that the German W is substantially the English V.

Of the letter *γ*, observes Mr. Moore, 'I have nothing to say in addition to what Mr. Pickering has said; except that the dispute, though it may be dropt, will probably never be decided, since neither party can find arguments that will be conclusive to prove itself in the right.' p. 16. We see no reason for Mr. Moore's thus passing over this letter of the alphabet, which would not apply to the rest. It surely is not more likely that 'the dispute will be decided' in the case of the others than of this letter. It really strikes us, that the arguments are, to say the least, as satisfactory as upon the rest of the letters.

Mr. Moore next speaks of the letter *δ*, which the modern Greeks pronounce like our *th* in *then;* and he remarks, that it 'resembles a pronunciation of the letter D in Spain, which is not found in any other of the modern dialects of Latin.* And since for effects of the same kind the same causes are to be assigned, why may we not suppose that this corrupt

* We presume the author did not mean to exclude the Portuguese dialect, in which this pronunciation is quite as common, we believe, as in Spanish. The same pronunciation of *d* is also heard in some parts of Italy.

pronunciation has been derived, in both Greece and Spain, from the same source, the Eastern barbarians, who overran those two countries alone of Europe, while the remainder of it was occupied by northern tribes.' p. 16.

We are aware that writers have frequently resorted to this hypothesis, in order to account for the introduction of this sound of the δ into the Greek language. If, indeed, the argument were, that this sound came from the East with the written alphabet, which the Greeks are considered to have received from the same quarter, there would be no occasion for controversy, because the sound of the δ would then claim the same antiquity with the sounds of the other letters. But it seems to be taken for granted, by the the writers we allude to, that this particular sound of δ must be a corruption, and one of comparatively recent date. Yet, as Mr. Pickering intimates, no suspicion of 'corruption' attaches to the sound of the corresponding dental θ, the modern pronunciation of which has been always received by the learned as genuine. Mr. Pickering therefore remarks, that if the sound of θ is to be defended by usage, (and we do not find in the ancient writers any description of the sound it now has,) there seems to be no strong reason why the modern pronunciation of the δ may not be maintained upon the same ground. But we shall add a remark or two upon this point. The interchange of σ and θ, which is so common in some of the ancient dialects, has been always considered by scholars as affording evidence that the modern sound of θ is the same with the ancient one; for we find in our own times, that when a foreigner attempts to pronounce our *th*, he is very apt to slide into the sound of *s*. Now we observe a similar interchange of δ and ζ in the dialects of antiquity; for example, in the *Attic*, κνίδη for κνίζη; in the *Doric*, ἔρδω for ἔρζω, θερίδδειν for θερίζειν; in the *Æolic*, δυγὸς for ζυγὸς, ζία for δία, etc. By parity of reasoning, therefore, we might without much hazard infer, from this interchange of ζ and δ, that the latter is as likely as the letter θ to have had originally the same sound which it now has. But when to this we add the remark of *Apollonius*, who calls the Z and Δ almost equipollent letters—τοῦ Ζ καὶ του Δ ἰσοδυναμοῦντος σχεδὸν*—there seems to be the highest probability that the modern Greeks have retained substantially the ancient pronunciation of the *delta*; and therefore that we ought not to class

* Apollon. p. 618, de adverbiis ed. Bekker. ap. Anecdota Græc.

their pronunciation of it with the corruptions of the Eastern barbarians, any more than we should that of their *theta*.

The next subject of discussion in Mr. Moore's work, (p. 16.) is the much controverted letter ν, the different pronunciation of which by the Erasmians and Reuchlinians gave to the two parties, as is well known, the names of *Etistæ* and *Iotistæ*. Mr. Moore enters upon this branch of his argument with remarking, that Mr. Pickering 'is obliged to admit that it (ν) had at one period "a sound differing in some respects from that which it now has in Greece."' Mr. Moore then adds—'The fact is, that the passage of Dionysius of Halicarnassus, which extorts this concession from the modern Greeks, sets this dispute at rest; and the only way in which they can surmount the difficulty is, to place a century or two lower the antiquity to which they lay claim for their pronunciation.' p. 17. The author then, in order 'that the ground may not be perpetually shifting thus in the course of our debate,' proceeds to define the term *antiquity*, which he observes 'is a very indefinite term, and altogether relative;' in his opinion 'we cannot with propriety extend our view lower than the age of Dionysius.' We highly disapprove of the tone of these remarks of Mr. Moore, as they have a tendency to leave the impression, that his adversary is arguing upon this point, and indeed upon the others, more in the spirit of a mere controvertist than of a sober inquirer after truth, and rather with the address of an advocate than with the impartiality of a judge. These we are sure, if we may judge from the tenor of Mr. Pickering's essay, were not his feelings. We are unable to perceive any reason why Mr. Moore should assert that 'the ground is perpetually shifting in the course of debate.' Mr. Pickering, as far as we recollect, has usually taken care to speak in guarded and qualified language, whenever the occasion required it; and his very remark, which Mr. Moore has above quoted, is as good a proof as we could have selected on this head. Mr. Pickering has sufficiently explained, more than once, what he means by the ancient pronunciation: he is of opinion that we might content ourselves with that of a period as late as even the *third* or *fourth* century; which he thinks would be sufficiently near the purest classic standard to satisfy our foreign ear. And if the written Greek down to that period, and even later, is confessedly so pure as not grossly to offend the taste of

scholars, it must be admitted, that there is some little reason in receiving the spoken language of the same period as sufficiently classical. We do not, however, mean to be understood as expressing a fixed opinion upon this point; it is sufficient to justify our present observations, if Mr. Pickering's is expressed with clearness. At p. 18. Mr. Moore differs from Mr. Pickering (and we believe from all scholars) as to the ει and ι, which are generally supposed to have been sounded alike; but Mr. Moore denies this to have been the fact, and he undertakes to 'show that Eustathius (upon whom Mr. Pickering had placed the same reliance which writers have usually done) is not consistent with himself on this head.' p. 18, 25. This is, indeed, a bold charge; in the mouth of a foreigner too, and concerning a mere matter of fact in the native language of his adversary. If the venerable patriarch of Constantinople could now revisit the earth and should have the boldness to undertake to show that Mr. Moore was 'not consistent with himself,' in regard to a simple fact in the English language, we have no doubt that Mr. Moore would gaze at him with all that astonishment which such an occurrence would be likely to excite. But upon what ground does Mr. Moore hazard this opinion? Upon the following remarks, which Eustathius makes on the argument to the fifth book of the Iliad: εἶ, βάλλει Κυθέρειαν—ε στοιχεῖον ει ἔλεγον οἱ παλαιοὶ προστιθέντες το ι ἵνα τῇ διὰ διφθόγγου ἐκτάσει δύνωνται περισπᾶν καὶ ἀντὸ, καθὰ καὶ [τὰ] ἄλλα στοιχεῖα. Mr. Moore understands this remark as descriptive, in some sort, of the pronunciation of the letter ε; and that when the patriarch says (according to Mr. Moore's rendering) that 'the ι in the diphthong ει merely served to prolong the sound of the ε,' he goes 'contrary to reason and analogy,' and is likewise inconsistent with himself. p. 25.

But Mr. Moore has evidently misapprehended the meaning of his author in this instance. Eustathius is here speaking, not of the sound of the letter ε, but of its name in the alphabet; and if Mr. Moore has not in this instance (from the want of necessary books in this country, which he justly laments) been obliged to quote his author at second hand, but had the original work before him, we are a little surprized that the remainder of Eustathius' observations, which he has not quoted, did not attract his notice. The whole passage, as it is generally understood, runs thus: 'The letter ε the ancients

called (or named) ει, adding the ι, in order that by giving it the extent of a diphthong, they might circumflex this as well as the other letters.' Eustathius then subjoins this remark, 'They do the same thing with the small ο (o-micron) and for the same reason they call that ὀυ.'* That the ancients did thus name the ε and the ο, is matter of common learning; and we are the more surprised that Mr. Moore should have overlooked this circumstance, as it is noticed in Dawes' *Miscellanea Critica*, which Mr. Moore frequently cites. And as to the opinion of Mr. Moore, that the 'ει had the sound of long ε,' (and not of ι, as Mr. Pickering supposes,) it will suffice here to quote once more the authority of Dawes, who in his letter to Taylor makes this remark—'All that I contend for is, that the same Greeks who wrote E, never pronounced it EI, any otherwise than as A was pronounced Αλφα, that is, when its name, not its power, was considered.'

We have dwelt the longer upon this part of Mr. Moore's remarks, because we know it has been the fashion with some writers to treat the Greek grammarians and scholiasts with very little ceremony, or rather, with absolute contempt, even in questions relating to their native language. That we sometimes find among their numerous observations false philosophy, trifling etymologies, and even ridiculous puerilities, cannot be denied; but in pure matters of fact respecting their own language, we ought, as foreigners, to be very sure that we are in the right, before we pronounce them to be in the wrong.

Mr. Moore next considers a remark of Mr. Pickering's upon the pronunciation of the words λητουργεῖν and λιτουργεῖν, which he selected from many others in the collection by Ammonius, as we suppose, on account of that author's here referring to another by the name of Didymus. Mr. Pickering, following the general opinion, infers that the η and the ι in these two words were pronounced alike, and that Ammonius for that reason thought 'it necessary to point out the difference in signification' of the two words; just as our own grammarians give us lists of words in English which are alike in sound but different in their spelling and signification. Mr. Moore however, speaking *ex cathedra*, pronounces this to be 'a groundless supposition,' and, that 'the argument from Ammonius has no weight whatever.' pp. 19, 20, Valckenaer, however, (whose edition of Ammonius is referred to by Mr. Moore) though he proposes an emendation which we shall

* Homeri Op. tom. i. p. 507. Ed. Rom. 1542.

presently advert to, considers the remark of Ammonius as evidence of a similarity in the pronunciation of the two words, even when corrected as he would have one of them. He proposes, not, as Mr. Moore inadvertently states, that the latter of the two words, λιτουργεῖν, but the former one, λητοῦργειν, should be altered to λειτοῦργειν; and then he adds: 'λειτοῦργειν vulgaris est et ubivis obvia verbi forma; ejus loco Ammonii ævo pronuntiasse videntur λιτοῦργειν.' This emendation does not affect the argument derived from Ammonius' observation, and therefore it is unnecessary to remark upon it with that view; but we will just observe, by the way, that it is a mere *conjecture* of Valckenaer's, and, as was observed many years ago, it is not necessary to alter the common reading; for the word was unquestionably written sometimes with η as well as with ει.

At p. 21, Mr. Moore returns to the argument founded on the verse of Cratinus, representing the bleating of sheep; and he derives much support, as he thinks, from the circumstance stated by Mr. Pickering, under the letter β, that the two Greeks who were interrogated how they could express that sound, did it by the same vowel which Cratinus had used, 'namely, ε, which being long was equivalent to εε, and was afterwards written η by the grammarians who remodelled his verse.' Here it is necessary to keep in mind the period of Grecian history from which we take the pronunciation of the language. Mr. Pickering admits, that in the time of Cratinus, the η 'might possibly have had the full sound of our long *a* throughout all Greece;'* and as the argument in this place of Mr. Moore's work only goes to that period, it is unnecessary to make any remarks in addition to those we have already submitted to our readers. We cannot, however, dismiss this letter, without observing, that Mr. Moore, if we are not mistaken, has passed over in total silence the arguments adduced by Mr. Pickering from the oriental languages, which for reasons stated in his essay certainly have some weight.

This is the more remarkable, as Mr. Moore might have found an offset for Mr. Pickering's appeal to Schmidt, on the subject of the Greek words retained in the Syriac version. Schmidt remarks that, in that version *the Greek η is always rendered by hirik* (◌ִ) *and never by tsere* (◌ֵ) *or sægol* (◌ֶ). But on

* Essay, p. 50.

examining the fragments of Origen's Hexapla, which, notwithstanding the extravagant antiquity assigned by some critics to the Syriac version, is probably as ancient as that version, we find the precise reverse of this to be true. The vowel η occurs, if we have counted correctly, 19 times in the Hebrew column written in Greek characters of the first chapter of Genesis. Of these nineteen times it represents(ֵ)twelve times, (ֶ) five times, (ַ) once, and (ְ) once. Too much dependance cannot however be placed on this argument, for the self same Hebrew phrase עַל־פְּנֵי is written three different ways in the Greek character, in this chapter viz. αλ φνε, αλ φανη, and αλ φενε.—Moreover, instead of βρησὶθ, the reading which Montfaucon adopts for the first word in Genesis, by which η is made the representative of (ֵ), that critic tells us that in a manuscript in the king's library βαρησὶθ is read in the margin; a reading which gives η twice for (ְ). All this seems to teach, that the argument from the oriental pronunciation is liable to some uncertainty.

Of the υ Mr. Moore observes, p. 23, that the only authority for its being sounded like ι is a passage or two from the Herculanean MSS. But Mr. Pickering here again does not assert that this pronunciation is exactly that of the ancients, but he thinks it highly probable that it is 'extremely near' to it.* As to Mr. Moore's remark, that we might with as much reason (as in the case of the Greek υ and ι) infer that the Romans pronounced *u* and *i* alike, because Sallust wrote for example, *optumus*, *maxumus*, &c. we think there can be little doubt, that in *unaccented* syllables, like those, these two letters were sounded much alike, as they are in the similar case in all modern languages.

It was our intention to have continued this inquiry into the manner in which Mr. Moore has replied to the principal arguments of Mr. Pickering, through the rest of the pamphlet of Mr. Moore.—The remaining portion of it appears to us to contain several statements rather incorrect, or which are to be admitted only with qualification. But having, as we apprehend, trespassed as long upon the patience of our readers, as the subject of the Greek pronunciation authorizes us, we take leave of the discussion for the present, in the design of resuming it, should the continuance of the controversy furnish us occasion.

* Essay, p. 56.

ART. XVI.—*Cours de littérature dramatique: ou Recueil, par ordre de matières, des feuilletons de Geoffroy, précédé d' une notice historique sur sa vie.* 4 vols. 8vo. Paris, 1819.

THIS work is a collection of theatrical articles, published successively in one of the French newspapers, from about the year 1800 to the year 1814. They were considered at the time so much superior to the ordinary ephemeral matter which appears in this form, that they gave a very great vogue to the *Journal de l'Empire.* It is said that twenty thousand copies were at that time circulated daily. The ordinary sale of the best French journals then and now does not much exceed six thousand. The author, M. Geoffroy, had been Professor of Rhetoric at the *Collège Mazarin* at Paris before the revolution. Soon after the beginning of the troubles, his political orthodoxy was called in question, and he thought it expedient to retire for a time from his station and take refuge in the country. He offered himself to some parish committee, as a candidate for the office of village schoolmaster, having previously assumed a rustic tone and dress. His qualifications being found sufficient for the place, he entered upon it, and retained it till the return of Bonaparte had restored some degree of order at Paris. Soon after this he repaired to the capital and was immediately attached to the *Journal des Debats,* as it was then called, as editor of theatrical department, by no means the least essential one in all the French journals. This department is occupied, in general, by a notice of the new pieces, as they appear, or by a criticism on the merits of the actors. But Geoffroy gave it a wider range, and undertook a vigorous and free analysis of every thing that was acted, old or new. He examines with the same boldness and care the works of Corneille, Racine, Molière and Voltaire, as those of the contemporary writers. Hence, these articles became, as they are entitled in this collection, *a course of lectures on the dramatic literature of France;* and what they want in solidity from the ephemeral form in which they made their appearance, is amply compensated by the vivacity and point derived from the same cause.

It is obvious that the author, in order to execute an enterprize of this kind with so much success, must have possessed very considerable literary merit; and accordingly his style places him very high among the modern French writers. It

is manly and vigorous, and at the same time pure; although of course very unequal in different articles. There is a vein of bitterness and satire running through the whole, which is very amusing, and is perhaps essential to the success of a critic. The author's opinions in literature and philosophy took their colour, like those of other people, from the circumstances of his life and education. He received the latter in one of the Jesuits' colleges, where he was naturally taught the opinions of the old school, and the persecutions they afterwards brought upon him as naturally endeared them to him still more strongly. Every thing modern, and above all every thing that savours of the modern philosophy, is an abomination to him. The age of Louis XIV is the golden age of France in learning and politics. The best writers of the last century bear no comparison with the geniuses of that period, and those of the present day are mere pigmies, almost too contemptible to require being crushed. These ideas taken in the abstract are as old as the age of Nestor, and about as probable now as they were then; but they may be defended at different times with different degrees of plausibility, and it must be allowed, that, at least in a literary point of view, Geoffroy makes out a pretty good case on this side of the question. The colossal reputation of Voltaire was the principal objection to his theory, and he accordingly loses no opportunity of attacking him with any weapon that is most convenient. The collection is interspersed with occasional digressions on subjects of moral, political, and historical interest, anecdotes, bon mots, and biographical sketches, so that it forms altogether a very pleasant reading for a leisure hour, and we venture to hope that a few notices and extracts will contribute to the entertainment of some of our readers.

The great Corneille is of course the god of our author's idolatry. Corneille with every true born Frenchman is the *beau ideâl* of the sublime, as Racine is of the beautiful. The former of these distinguished poets was, in the first instance, according to our critic, a 'little lawyer' at Rouen. We find him in the next place attached to the service of Cardinal Richelieu, in rather a singular capacity. The Cardinal, who justly holds a high rank among the statesmen of Europe, seems to have thought that he could carry into poetry the same process that he employed in politics. As in the accomplishment of his political designs he left all the trouble of the execution to his

agents, civil and military, while he reserved to himself all the glory of the success, he seems to have supposed that by ordering plays to be written and acted in his name, he should be justly entitled to the reputation of a dramatic poet. He accordingly appointed a committee of five poets, corresponding in number with the acts necessary to a perfect play, and when he wanted to write a tragedy he issued his orders, and each of his poets produced an act. Corneille was one of this committee. Our critic reprimands the Cardinal for this singular abuse of authority with just severity.

'La *métromanie* ou plutôt la *théotromanie* du Cardinal de Richelieu est un des plus singuliers travers, qui jamais ait pu déranger la tête d' un prélat et d' un ministre. C' était une chose indecente et bizarre de voir un Cardinal de la sainte église Romaine s' amuser à faire des comédies, tandis que l' église anathématisait les comédies et les comédiens. Rien n'était plus ridicule qu' un grand homme d' état travesti en méchant auteur et en misérable poëte. Le grand ministre dont les vastes desseins confondaient l' orgueil de l'Autriche et fesaient trembler l' Europe paraîssait bien petit, quand il combinait péniblement l' intrigue mesquine d' une plate tragi-comédie.

'Richelieu a fait représenter sur le théâtre du monde quelques tragédies, telles que *Montmorency*, *Cinq-Mars*, et *de Thou*, *Marillac*, *Urbani Grandier*, &c.: elles pouvaient inspirer la terreur et la pitié ; mais ses tragi-comédies n' étaient propres qu' à causer le dégoût et l' ennui. Chose étrange! le plus profond politique de son siècle ne mettait dans ses drames que des fadeurs et des niaiseries, et un petit avocat de Rouen, un homme obscur, enseveli dans son cabinet, étalait dans ses pièces les plus grands intérêts et la plus profonde politique. Corneille était sur la scène ce qu'était Richelieu dans les conseils. Il faut que chacun fasse son métier.'

The Cardinal, who was aware no doubt that a piece, in order to produce any reputation to its author, must not only contain the five necessary acts, but must be applauded by the public, after providing for the first of these conditions in the way just mentioned, instituted a commission of forty, whose business it was to praise the pieces published in his name, and condemn all others. This body was called the French Academy. It seems to have been considered a point of honour with the five poets not to produce any thing in their own names, at least nothing better than what they publised under

that of the Cardinal's. Hence, when Corneille published the famous *Cid*, the earliest good tragedy in the French language, it was regarded by the Cardinal as an act of petit-treason, and although one of the privileged poets, the author was immediately delivered over to the forty judges to be tried and punished in the ordinary way. These matters are treated by our author with due solemnity.

'Le fier prélat porta son despotisme dans la litterature, il prétendoit dominer l'opinion, asservir les gens de lettres, tyranniser le goût. L' Académie ne fut d' abord qu' une espèce de commission établie pour juger ceux, qui entreprendraient d' avoir plus d' esprit et de talent que lui. Ce ne fut pas pour maintenir la pureté de la langue qu' il érigea ce tribunal; mais pour contenir les auteurs qui tentaient de secouer le joug. Il y avait cinq versificateurs ordinaires de la chambre de Son Eminence: c' étoit des négres que le Cardinal chargait de l' execution de ses plans: ils sont connus sous le nom des cinq auteurs. Corneille avoit le malheur d' être du nombre.

'Cet écrivain qui ne respirait que la liberté Romaine, fut sur le point d'être chassé et disgracié, pour avoir eu l'audace de changer quelque chose à l' acte qui lui avait été confié. On l' accusa de rebellion: mais bientôt il arbora ouvertement l' étendard de la revolte, en faisant paraître *le Cid*. La cour et la ville se soulevèrent en faveur de cette tragédie, le premier des chefs d'-œuvres de Corneille et de notre scene tragique. Le Cardinal irrité contre l' auteur aussi alarmé du succès, dit Fontenelle, *que s' il avait vu les Espagnols aux portes de Paris*, fit d' abord attaquer *le Cid* par ses plus intrépides officiers, et enfin ordonna à son regiment d' Académiciens de charger. Si le public n' eut fait une vigoreuse résistance, cette pièce, l'honneur de notre scène, eût succombé sous les traits des Chapelain, des Desmarest, des Boisrobert, des Conrart, des Gombault; quels hommes! grands dieux! quels héros! dont les noms, flétris par la satire, sont aujourd' hui une raillerie et une insulte. On voit que le berceau de l' Académie Française ne fut pas couronné de palmes et de trophées: elle est née dans la servitude et le mépris, au bruit des sifflets et des huées, au sein du ridicule et du mauvais goût; son origine ne rappelle que des disgraces et des ignominies, et lorsque dans les jours de sa gloire, elle voyait réunir dans son enceinte l' élite de ce qu' il y avait de plus grand en France, elle resemblait à ces financiers enrichis, dont le père et l'aïeul avaient porté la livrée.

The judgment of the Academy upon the *Cid* is a well known piece of criticism. The heroine of this tragedy has the mis-

fortune to be in love with a person, who has killed her father, and the interest of the piece lies in the conflict of feeling produced by these opposite relations. The lady at one moment goes to court to urge the infliction of some punishment upon her father's murderer, and at another gives him a private meeting in her own house. The immorality of this attachment is principally insisted upon by the Academy in their attack upon the play. They represent the morals of *Chimène* as scandalous and depraved, and consider it essential to a good tragedy that the leading characters should be persons of unblemished reputation, otherwise, they say, the effect of the piece is morally bad. Our critic admits that this is true, but denies the conclusion. According to him the influence of the theatre is in general unfavourable to good principles, and that, in proportion to the merit of the works represented. This is his favourite doctrine through the whole four volumes, and perhaps may be looked upon as a precious confession from a man, who for the greater part of his life passed all his evenings at the play, and all his days in writing remarks upon what he had seen the night before. The question, however, is a famous point of casuistry, which has been agitated at various times with great warmth. Rousseau's letter to d'Alembert is a brilliant and vigorous defence of the unfavourable side. The early puritans in England attacked the stage with great violence; and in our own country, so late as the close of the last century, the clergy, with the more serious part of the community in Boston, united in petitions against the building of the theatre, and the players were obliged for some time to act their comedies in a barn, under the disguise of 'a moral lecture on the duty of candour, entitled the School for Scandal.' The question perhaps resolves itself into the more general one, whether the development of the intellect and the refinement of the feelings are favourable to happiness and virtue. D'Alembert in the article *Geneva* in the Encyclopedia, which gave occasion to the letter of Rousseau, considers the stage as a powerful machine for polishing society. This opinion is hardly to be disputed, and if the new German theory be correct, which makes taste, morality, and religion, only synonymous terms for the same thing, would go far in deciding the question. A great part of Rousseau's reply is fantastical, and as a substitute for theatrical entertainments he recommends public balls, which it is well known are not

less obnoxious to the stricter casuists than plays. But we have not room to engage in the discussion of this subject.

Though the Cardinal, as we have seen, did not pamper the great Corneille with 'empty praise,' he gave him what he wanted much more, a pension of 500 crowns a year, equal, says our critic, to 1500 at the present day; and as the sublime poet was too prudent to quarrel with his bread and butter, he revenged himself upon the Cardinal for his persecution of the Cid, by dedicating to him his next tragedy, the *Horaces*. Corneille, with all his genius and all his sublimity, had no faculty in turning a compliment. He could not 'dandle the kid' any better than Milton. His praises are so extravagant and so injudicious, that they might be almost mistaken for irony, did not the known simplicity of the author oppose any such idea.

'Certes, monseigneur,' says he, 'le changement visible qu' on remarque dans mes ouvrages, depuis que j' ai l' honneur d' être à Votre Eminence, qu' est-ce autre chose qu' un effet des grandes idées, qu' Elle m' inspire, quand Elle daigne souffrir que je lui rende mes devoirs? et à quoi peut on attribuer ce qui s'y mêle de mauvais, qu' aux teintures grossières que je reprends quand je demeure abandonné à ma propre force?'

The rest is of the same power. The author of the Cid, after his patron's death, expressed himself with a little more sincerity, though still with due respect. The epitaph which he wrote for the Cardinal begins, and might perhaps as well have ended, with the following lines:

'Qu' on parle, comme on veut, du fameux Cardinal,
Ni ma prose ni mes vers n' en diront jamais rien;
Il m' a fait trop de bien pour en dire du mal,
Il m' a fait trop du mal pour en dire du bien.'

The tragedies of Corneille are mostly founded on historical events, supposed or real, but with a view of increasing the interest he generally introduces a love intrigue, more or less directly connected with the principal one. It has long been regarded as a knotty question, how far this system is deserving of approbation. Voltaire inclines to the opinion that where love is introduced at all, the interest created by it should form exclusively the intrigue of the play; and he seems very much disposed to think that this is the only correct system.

Political tragedies, he insinuates very clearly, are difficult of execution, and when finished, not worth the trouble. Our worthy Professor is of a contrary opinion. The 'trials of the heart' are in his view of a secondary consequence, compared with the fates of empires and heroes.

'Aujourd 'hui,' says he, 'nous avons tant vu de passions, de folies, et de crimes plus horribles que tous ceux de la scène, la fortune nous a tellement effrayés par l' appareil de ses jeux les plus terribles, notre situation nous expose a tant d' alarmes réelles, que *nous avons de la peine à concevoir que ce soit un grand malheur de n'être pas aimé de sa maîtresse.* Comme c' est là une des plus cruelles infortunes du théâtre, il ne faut pas être surpris que les intrigues amoureuses nous touchent médiocrement.

'Il n' en faut pas douter, l' étonnante et merveilleuse tragédie qui se joue depuis seize ans sur le grand théâtre de l' Europe, et dont le denouement doit exciter l' admiration de l' univers ; cette époque extraordinaire qui renouvelle la scene du monde, et recommence une série de siècles jadis annoncée par Virgile, cette foule d' evenemens miraculeux ; cette succession de prodiges donne aux esprits une direction qui les éloigne des vieux hochets en possession de les amuser. Ce qui nous paraît le plus indigne de la tragédie ce sont les amourettes communes que la déclamation s' efforce de rendre tragiques. Nicomède attache beaucoup plus que Zaïre. Quelle revolution! Et que nous importe en effet qu' un petit soudan fasse le fou dans son sérail auprès d' une petite esclave fort jolie? Que nous fait ce Roman de la rédemption des captifs et le galimatias de cette Zaïre, fort embarrassée de son père, de son frère, de sa réligion qu'elle ne connaît pas, et de son amour qu'elle connaît beaucoup mieux? Que les amans qui ont juré de ne pas s'entendre pour ne pas finir trop tôt la pièce pèrissent victimes de l'equivoque d'un billet; cela est triste sans doute; mais cela n 'est point tragique, ce ne'est qu' une aventure bourgeoise, qui peut faire pleurer de petites filles, mais peu touchante pour des hommes sensés. Aujourd 'hui (1804.) les trones renversés ou chancelans, le destin des états, le sort des nations, cette lutte terrible des vieux prejugés et des anciennes passions contre des idées nouvelles plus favorables á l'humanité, ces jeux de la fortune, ces *ligues funestes*, voilá les grandes objets dont les esprits sont occupés, &c.

Without engaging in the controversy on this subject, we may be permitted to remark that love, if it forms the subject of a tragedy, should be treated naturally and sensibly, like any other. The great fault with the heroes of Corneille, and in some degree, though not so much, with those of Racine and

Voltaire, is that they always express their passion and make love to their mistresses in conventional phrases and metaphors, which were always extravagant and have long been ridiculous. They talk of the *beaux yeux*, the *divins appas* of their beloved. They represent themselves as loaded with chains and pierced through with arrows. Julius Cesar tells Cleopatra, that it was the influence of her fine eyes that enabled him to gain the battle of Pharsalia and the empire of the world.

> Vos beaux yeux enfin m'ayant fait soupirer,
> Pour faire que votre âme avec gloire y réponde
> M'ont rendu le prémier et de Rome, et du monde.

The honest Professor with all his admiration for Corneille is somewhat scandalized at this *tirade*. *In good earnest*, says he, *did Cesar think and talk in this way? Is not it rather the style of Don Quixote addressing his dulcinea?* At other times however he makes a lame apology for this jargon, by putting it to the account of the fashion of the times. Corneille, says he, gave his heroes that noble gallantry which was in vogue at the time of the Fronde. Love was then mingled with all the political intrigues, and produced important events. The princes and nobles of the court had each his mistress. The Duke de Beaufort was the lover of Madame de Montbazon; La Rochefoucault was at the feet of Madame de Longueville; Mademoiselle de Chevreuse ruled the Coadjutor (de Retz); the Duke de Bellegarde, when he went to the army, begged the favour of the Queen to touch the hilt of his sword; M. de Châtillon wore on his arm in battle one of Mademoiselle de Guerchi's garters. Conversation was filled with the most extravagant language of gallantry. It was the spirit of the age. The women then gave the tone at the theatre and in the world; and the language that we now think flat and silly charmed all the *précieuses* of the time. Sovereigns are never disgusted with the grossest flattery; and these ladies, who were fully persuaded, because they were constantly assured of it, that they exercised a sovereign not to say divine power over their adorers, could see nothing ridiculous in all the jargon of sighs, languishments, flames, and torments, which we now laugh at, even at the opera. They thought it perfectly natural that their eyes should be stars, suns, and gods; that their complexion should put to shame the rose and lily, and that a single glance should decide the fate of their slaves, &c.

Au reste, the phrase *beaux yeux* is so much used in France that a certain Polish Countess, who had learned what little French she knew by rote, and was confined at home soon after her arrival at Paris by an attack of ophthalmia, replied with perfect readiness to an inquiry after her health, *J'ai mal à mes beaux yeux*, supposing in the simplicity of her heart that *fine eyes* was the appropriate name of the feature in question. The narrator adds in the gallant French style, that as she was young and handsome, the mistake was of no great consequence.

The couplet in which the Duke de La Rochefoucault, (so celebrated for his maxims and his misanthropy, which does not seem, like that of Hamlet, to have included the fair sex) commemorates his passion for the fine eyes of Madame de Longueville, has been often cited ;

> Pour mériter son cœur, pour plaire à ses beaux yeux,
> J'ai fait la guerre aux rois—je l'aurois faite aux dieux.

Corneille had passed the meridian of his powers, and was fast declining from his brightness, when a planet of milder but purer lustre appeared above the theatrical horizon. Racine was formed in the school of his great predecessor, and surpassed him in every thing but the rude vigor of creative genius. The resemblance is the same with that of Pope to Dryden. After two feeble efforts made at too early an age, Racine at the third trial produced his *Andromaque*, and from that time forward his pieces are all perfect in their way, and though some of them are superior to others, are all reckoned by the French critics as plays of the first order. The public was however very capricious with regard to them, at the time of their first appearance ; and the three that are now reckoned the best were then treated very coldly. The friends of Corneille seem to have been jealous of the rising fame of Racine, and to have formed a party against him. Madame de Sevigné, one of the great wits of the day, could not persuade herself for a long time that a tragedy could be good which was not written by the author of the Cid. 'Beware,' she writes to her daughter, '*of imagining that any body can equal Corneille.*' She prophecied that the taste for Racine would pass like the taste for coffee ; and her prophecy has been fulfilled, though not in the sense she intended.

Andromaque, though it met with a good deal of opposition,

was still very well received. It had nearly as great a success, says our critic, as the *Cid;* but the elevated hopes of the author met with a terrible reverse at the next attempt. Britannicus *tomba,* says the astonished Professor, at the commencement of his remarks on this piece; plaignez vous á present, petits auteurs, de la chûte de vos faibles essais dramatiques: It does not even seem to have attracted an audience. A particular account has been preserved of the first representation of this play, written by Boursault, one of those who did not like it. He says that he found himself very much at his ease in the middle of the pit, and that Corneille was alone in one of the boxes. He makes himself very merry with the feeling displayed by Boileau. 'His face,' says he, 'exhibited all the emotions of the piece, one after the other, and changed colour like a camelion, as the actors proceeded; young Brittanicus especially appeared to interest him so much, that he first smiled at the happiness that seemed to be in store for him, and then wept at the recital of his death; a very obliging thing this to keep a fund of tears and smiles always ready at Mr. Racine's service.' This intended ridicule of Boileau is now a charming testimony to his good taste and good heart. 'The noble and generous Boileau,' says Geoffroy, 'as good in friendship as he was great in poetry, distinguished himself on this occasion by his taste and zeal.' *Berenice* and *Bajazet* followed with good success: Corneille, who was present at one of the representations of the latter, observed to his neighbour in the box, 'These Turks are pretty well Frenchified; I say it to you in confidence, for if it was known that I thought so, I should be called jealous.' Madame de Sevigné did not like the *dénouement.* She calls it a *grande tuerie,* a great *killery* or *butchery,* but the worthy Professor stands firm and takes them both severely to task.

The next in order are *Mithridate, Iphigenie,* and *Phèdre.* The second of these is one of the most popular and perhaps the best adapted to representation of all. The third is now regarded as the best of Racine's tragedies on profane subjects, but failed at the first appearance. Racine was naturally sensitive: he said of himself that he had felt more pain from a single criticism, than pleasure from all the applause he had ever received. The disgust he felt at this new instance of public caprice seems to have produced on his mind what is now sometimes called a religious *awakening.* He left off

writing for the stage, and retired at the age of thirty eight to a sort of monastery at Port-Royal. After this he published nothing but his two religious pieces, *Esther* and *Athalie.*

The fall of *Phèdre* awakens the Professor to more than usual warmth. He attacks the *culprits* who contributed to it, with an indignation proportioned to their offence, and a florid eloquence of manner suitable to his own calling.

'Cet ouvrage est à la fois la gloire et la honte de la nation. Sans doute on ne cessera de bénir le siècle fortuné, qui vit éclore ce prodige de l'art et du génie : mais en même tems on déplorera toujours l'aveuglement et l'injustice, qui dans ce même siècle, voulurent étouffer ce chef-d'oeuvre au berceau, et forcèrent un poëte tel que Racine à quitter à l'age de trente huit ans, la carrière dramatique. Ce ne fut pas le petit peuple des rimeurs jaloux, qui se déchaîna contre l'auteur de *Phèdre*, ce fut la bonne compagnie ; le galant Racine eut alors pour ennemis, non des folliculaires, mais des femmes aimables, des courtisans polis. Devisé et Subligni, critiques de profession temoignèrent quelques égards pour le plus parfait des tragiques français : mais madame Deshoulières, mais madame la Duchesse de Bouillon, mais le Duc de Nevers, aïeul de ce duc de Nivernois, qui depuis a réparé sur cet article l'honneur de la famille, mais une foule de gens distingués des deux sexes, formèrent une véritable conjuration pour humilier le talent et faire triompher la sottise. La Duchesse de Bouillon, et le Duc de Nevers sont peut-être moins *coupables*, parcequ'ils étoient étrangers d'origine ; mais comment concevoir que des Français conspirent contre l'honneur de leur patrie ? comment expliquer *l'animosité des femmes contre un bel homme*, estimé à la cour, et leur prédilection pour un obscur faquin tel que Pradon, *dont la figure étoit aussi ridicule que les écrits ?*

'Tout est énigme, tout est problème, dans cette lutte scandaleuse d'un nain contre un géant : la tragédie de Racine est jouée trois jours avant celle de Pradon : le seule souffle des applaudissements que méritait une pareille pièce ne devait-il pas renverser cet indigne adversaire ? Comment l'admiration publique n'a t-elle pas defendu qu'on représentât la *Phèdre* de Pradon ? Dans le grand siècle du goût, est-ce qu'on ne savais pas discerner l'excellent de ce qu'il y a de pire ? La célèbre madame de Deshoulières assiste à la première représentation du chef-d'oeuvre de Racine, *et son âme n'éprouve point de remords ?* elle revient souper avec les conjurés : elle fait sa cour à Pradon en raillant les traits les plus sublimes de Racine. Cette douce et interessante bergère, qui parlait si tendrement aux moutons, aux fleurs, aux ruisseaux, c'est la furie Alecto qui distille le venin de la

satire dans un méchant sonnet, que celui qui en est l'objet a fait vivre. A quel point les petites passions ne peuvent elles pas dégrader la raison humaine ? Quand it fallait se réunir pour féliciter la littérature Française d'une si précieuse acquisition, des hommes d'esprit et de sens se battent avec des sonnets, et le duc de Nevers finit le sien par des menaces de coup de bâton, figure poétique d'un goût tout à fait délicat. Avec quel plaisir ne voit on pas le grand Condé terminer ce honteux combat, et foudroyer tous ces lâches de son autorité ! Quel beau spectacle que celui d'un grand homme terrassant la cabale et protégeant le genie !

We may remark *en passant*, that the title of one of the ladies mentioned in the above passage has given occasion to Madame de Staël for a very pretty *calembourg*, which is recorded in the biographical notice of her by her cousin, Madame de Necker-Saussure. Madame de Staël had in conversation spoken with some degree of favour of the arrangements in the new kingdom of Hayti. 'What then,' said some one present, 'you take great interest in the Comte de Limonade and the Marquis de Marmalade ;' 'Why not,' replied Madame de Staël, 'as much as in the Duc de Bouillon ?' [Duke of Broth.]

Racine effected a compromise between his conscience and his taste for poetry, when he was called upon to furnish a drama on a scripture subject, to be represented by the young ladies of the institution of St. Cyr : and if any thing could have consoled him for the fate of *Phèdre*, the success of *Esther* would probably have been sufficient. It was the fairest triumph, says the enthusiastic Geoffroy, that ever flattered the sensibility and noble pride of a man of genius. Such a piece was not destined for a public stage and mercenary players. His theatre was a religious institution, where noble young ladies of reduced fortunes were brought up under the shadow of the altar ; and these were his actors and actresses. His audience consisted of the royal family and a select party of the court. The king himself condescended to act as master of ceremonies, and stood at the door with a list of the persons invited in his hand, and conducted the ladies to the seats : between the acts he went round to collect the opinions and to give his own. Madame de Sevigné was present at one of the representations, and the king did her the honour to come and ask her how she liked the play. Party spirit itself could not resist this seduction ; and the patroness and partisan of Cor-

neille, in the intoxication of pleasure and glory, was compelled to admit that Racine had merit; but still with a qualification—'Racine a bien de l'esprit Sire,' she replied, 'mais en vérité, ces jeunes personnes en ont beaucoup aussi.' Such was the fortune of Esther, and its brilliancy encouraged Racine to attempt another play on a scripture subject. 'Le grand succès d'Esther, says Madame de Caylus (for the ladies at this time seem to have the literature in their own hands) a mis Racine en goût.' Madame de Sevigné, however, despaired of his producing any thing equal to Esther. While he was employed upon *Athalie* she writes to her daughter, that he will find it hard to equal Esther, that there were no more such subjects, that it was a lucky chance, that Ruth and Judith are nothing to it; but she adds, *Racine a bien de l'esprit, il faut espérer.* This *amiable Jansenist,* as our critic calls her, (we hope our fair readers know what a Jansenist is, for we have not time to explain it,) was, we fear, still a *Cornelian* at heart.

But the smiles of fortune were in this instance, as usual, deceitful and treacherous, and Racine was fated to drink still deeper the cup of bitterness—*Athalie,* which is styled by Voltaire *the boast of France, the master piece of the theatre, the master piece of poetry. Athalie* was destined to a still more ignominious fate than *Phèdre.* Religious scruples prevented it from being acted in public. The author had it printed, and it was left on the bookseller's hands, while the literary world pronounced it a poor piece, a cold, tiresome piece, in which there was much ado about nothing, or what was the same, about a priest and a baby. The indignant Professor having exhausted all the terms of reproach that language afforded him, in revenging the outrage upon *Phèdre,* has nothing left for *Athalie,* but a sullen dogged resignation to the decrees of Providence. Who would not think, says he, that in 1691, in the age of taste, in a city so long nourished with the choicest productions, the master piece of a poet so justly famous as Racine, when it appeared in print, and when the reading world had a full opportunity to feel all the beauties of the style, who would not think that it must have exhausted, so to speak, the public admiration? *Eh bien!* singular, extraordinary, altogether incredible as it may appear, there is no room for a doubt that the fact was directly otherwise. Yes, while at the present day we run after any thing new from a good

writer with a sort of fury, Racine's Athalie was left on the bookseller's hands. There is a fatality then, a star for books as well as men. *Et habent sua fata libelli.* The literary world is in torment to explain this phenomenon, and their explanations are as unsatisfactory as those which our *savans* daily give us of the secrets of nature. The fate of Athalie is a literary mystery : we must believe without attempting to understand it.

At another time, however, he attributes the fall of Athalie to a combination of the minor wits of the day, headed by Fontenelle, who was the nephew of Corneille, and of course a partisan of his sublime uncle. He is accused, it seems, with great probability, of having produced the following epigram upon *Athalie*, which it must be confessed does him no great honour, either as a man of taste or a poet ; and which we may venture to hope was not written by the gallant author of the *Plurality of worlds* and the *Dialogues of the dead.*

Gentilhomme extraordinaire
Et *suppôt de Lucifer,*
Pour avoir fait pis qu 'Esther
Comment diable as-tu pu faire ?

All this was too much for the morbid feelings of the sensitive poet. To increase his troubles still more he lost the favour of the king. Somebody who had grievances to complain of persuaded Racine to write him a memorial, and upon presenting it to Louis XIV thought to strengthen his cause by telling him that the petition was drawn up by his favourite poet. The effect however was quite contrary. ' What,' said the king, ' does Racine think because he can make good poetry that he is able to teach me politics ? Let me hear no more of it.' The unlucky bard was unable to support this complication of disasters, and died soon after of a broken heart. The remark of Geoffroy upon this event is truly philosophical. ' Perhaps,' says he, ' Racine was wrong to meddle with politics. Every man to his own trade ; but his greatest error was in dying of chagrin.'

Such was the fate of one, whom so great a nation as France regards as the first of poets. *I nunc et tecum versus meditare canoros.*

Molière shared in some degree the fate of Racine. His best pieces, the *Misanthrope* and the *Tartuffe*, were not much

relished at the time they were written. They were too good for the audience. These two great geniuses were, like other great geniuses, in advance of their age, and their value was consequently not fully perceived till after their death. The next generation, whose taste was formed and polished by their productions, were able to do them justice, but this was too late for the authors. Notwithstanding this, Molière was extremely popular in his life time, the greater part of his pieces being of a light kind, bordering very nearly upon farce. It is well known that a great part of the merriment of these productions consists in a ridicule of the physicians. This circumstance arose from the state of public opinion in that day. Ridicule in order to be *piquant* must be directed against an object at once serious and important. Politics and religion were at that time too sacred to be touched, and medicine was the most convenient substitute. Since the poets have been permitted to laugh at priests and statesmen, they have left the physicians alone. It was however a great folly in a man so wise as Molière, to become in good earnest the dupe of his own wit, and to believe, that because he could make people in health laugh at the physicians, he should not want their assistance himself when ill. It is supposed that his death was much hastened by his neglect to take medical advice. It is also a singular coincidence, that the last attack of his illness, which was a consumption, was brought on by his exertions in acting the *Malade Imaginaire.*

Our critic does not attribute his decline solely to this circumstance, and is half disposed to think that he was worried to death by his wife. Mademoiselle Molière (for the actresses, though married, were not at that time honoured with the title of Madame) Mademoiselle Molière was a young and handsome coquette, and cared but little for her husband, who, besides being out of health, had too much sense and too little gaiety to be very good company. Molière, like other great wits, was naturally *triste.* He was however doatingly fond of her, and though she was a perpetual torment to him, she contributed mainly to the perfection of his plays, by enabling him to paint to the life from his own sensations, the anxiety of a jealous husband.

In the *Femmes Savantes*, the learned ladies, Molière has attacked the folly which at that time possessed a part of the sex, of giving themselves out for wits and philosophers, with-

out the least pretension to either character. The subject is well treated, and is certainly a very legitimate one for ridicule. False pretensions of any kind are fair game. Our critic, in his remarks upon the play, carries the idea a little farther, or rather introduces an entirely new one, and undertakes to show that the modern doctrines on female education are incorrect, that it is quite foolish for ladies to be running to lectures upon natural and moral philosophy, and that they would do much better to be staying at home and taking care of their children. The delicacy of this subject will prevent us from treating it in detail, although it is not to be disguised that scripture authority leans the same way. The model of wives held up to imitation is not one who is well versed in botany and metaphysics, but one that looketh well to the ways of her household and eateth not the bread of idleness. We shall take the liberty of laying before our readers a part of Mr. Geoffroy's remarks upon this point.

'Comment peut-on jouer les *Femmes Savantes* dans une ville couverte de musées, d'athénées, de coteries, et de clubs savans de toute couleur, où les Muses ne se rendent que pour être applaudies pas les Graces? Comment peut-on jouer les *Femmes Savantes* dans la métropole des sciences, dans la capitale des mathématiques, dans le bureau centrale de la philosophie et des arts, dans une cité peupleé de grammairiens, de métaphysiciens, de physiciens, de chimistes, de botanistes, qui n'ont pas de disciples plus assidus et de meilleures pratiques que les femmes? Que deviendraient tant de démonstrateurs, d'instituteurs, de docteurs, de professeurs, d'orateurs, qui tous ont leurs dévotes? Ne seraient ils pas obligés de fermer leur cours, si les jolies femmes cessaient de courir après la science? Quelle plaie pour le commerce savant! quel coup mortel pour la circulation des principes, et des phrases, des sophismes et des jeux de mots, si la jeune épouse, timide et solitaire au lieu de se jeter dans la foule des hommes pour y briguer le palme de l'esprit, et de la beauté, bornait sa coquetterie à plaire à son mari, sa gloire à l'education de ses enfans, et sa vanité aux détails du ménage. Eh! qui voudrait désormais faire des vers si l'espoir de les lire à des femmes, ne tenaiat lieu au poëte de génié et d'Apóllon? Prêcher la simplicité, et la modestie aux femmes dans Paris, c'est comme si l'on prêchait la philosophie à Constantinople, la liberté à Maroc et le christianisme au Japon, &c.'

It has been observed that we all bear the misfortunes of

our neighbours with philosophy, and join with complacency in the laugh at their follies, but are not quite so well satisfied when the case is brought home to ourselves. Our critic goes along with Molière very good humouredly in ridiculing the physicians, the bigots, the unfortunate husbands, and the learned ladies, but when the poet begins to laugh at Greek, his favourite study, he stops short. *J'aime beaucoup Molière*, says he, *et j'aime beaucoup le Grec. Je ne pardonne pas à Molière d'avoir voulu rendre le Grec ridicule.* The passage alluded to is in the *Learned Ladies*. Trissotin, the principal pedant of the play, introduces one of his friends to the ladies, and recommends him as being well versed in the old writers: and especially in Greek, upon which the ladies express their satisfaction, by offering to embrace him.

'Il a des vieux auteurs la pleine intelligence
Et sait du Grec, madame, autant qu' homme de France.
Philaminte.
Du Grec! o ciel, du Grec! Il sait du Grec, ma soeur!
Belise.
Ah, ma nièce, du Grec!
Amande.
Du Grec! quelle douceur!
Philaminte.
Quoi, monsieur sait du Grec! ah, permettez, de Grâce,
Que pour l'amour du Grec, monsieur, l'on vous embrasse.'

The old Professor seems however to dwell with some satisfaction on what he calls the privilege of being embraced by the ladies for the love of Greek, which, he says, is the more comical, as the Greek scholars of the time of Molière paid but little attention to their personal appearance. He then takes occasion to tell rather a strange story, how Margaret of Scotland, wife of Louis XI, then dauphin of France, was passing through a hall in the palace, and happened to see one Alain Chartres, a great savant, lying fast asleep on the floor, having, as our critic observes, probably been studying hard all night. Although he was old, ugly, and tiresome, to a proverb, the dauphiness went up and embraced him without ceremony. The ladies were greatly scandalized and the courtiers quite furious, at seeing such a mark of preference given to an ugly, old pedant, but the dauphiness justified herself very nobly; observing that she wished to salute the

lips that had given utterance to so many fine thoughts. Our Professor is so far from disapproving this proceeding, that he calls it an act of heroism. 'Ce n'était pas pour l'amour du Grec, qu'elle lui avoit donné le baiser, mais pour l'amour de la sagesse et de la vertu; ce qui est heroique dans une jeune princesse.' This is something like a story they tell of Milton, who was lying asleep by the way side somewhere, when an Italian lady, that was passing in her carriage, stopped to look at him, and was so pleased with what she saw of his person, that she wrote an impromptu on his fine eyes, which she did not see. For the rest we suppose the Professors and other *savans* of the present time may go to sleep very quietly, without apprehending any similar interruption.

Critics it is sometimes thought are naturally more fond of censure than of praise, and our author makes up for the liberal encomiums he bestows upon the three writers we have been considering, by abusing as liberally almost every body else, and more especially Voltaire, who is made to bear the blame of every thing that has gone wrong for the last thirty or forty years. Voltaire is the only dramatic writer since the age of Louis XIV, whose productions have fairly taken rank with those of the great poets of that time and, acquired an established and classical reputation. Now and then a single play has been acted with success, or a writer has obtained for a time a certain degree of vogue, as Ducis, Laharpe, Chénier, and some others, but no name except Voltaire can be cited, which makes pretensions to stand on a line with Corneille and Racine. His comedies have not much merit. They are regarded as the least valuable of his writings, and this is the more remarkable, as gaiety and wit seem to be among the most prominent traits of his character. The merit of his tragedies is admitted by our critic, though in rather an ungracious way.

Je n' ai jamais dit que les pièces de Voltaire restées au théâtre fussent de *mauvaises tragédies:* c'est une absurdité qu'on m'a prêtée gratuitement; et s'il faut ici femmer la bouche aux imposteurs par une profession de foi bien nette, je declare que je mets au rang des meilleurs ouvrages composés depuis Racine, *Mérope*, *Zaïre*, *Mahomet*, *Alzire*, qui me paraîssent les quatre chefs d'œuvres de Voltaire. Il y a dans ces pièces des caractères

billans, des situations pathétiques, des tirades très eloquentes, des sentences admirables, et de très beaux vers. D'autres tragédies telles qu *'Oedipe*, *Mariamne*, *Brutus*, sans avoir autant d'éclat au theâtre se distinguent par un stile pur et correct, par une marche régulière, une élégance souvent digne de Racine, et une grandeur qui s'approche quelquefois de celle de Corneille. D'autres pièces telles que *Semiramis*, *l'Orphelin de la Chine*, *Tancrede*, *Rome sauvée*, *Oreste*, quoique inferieures, sans doute, offrent un grand nombre de morceaux et de scènes, qui décèlent un talent très heureux et très distingué. Telle a toujours été mon opinion sur le théâtre de Voltaire. Si dans l'examen que j'ai fait de plusieurs de ces pièces je n'ai presque rien dit des beautés, c'est qu'elles étaient admirées et *prônées* au delà même de leur mérite.'

This is about the only passage in which the critic condescends to bestow any thing like praise upon the patriarch of the philosophical church, with the exception perhaps of the following, which we rather think gives a pretty correct, though not very flattering likeness of this celebrated person.

'En vérité, les lettres de Voltaire valent beaucoup mieux que ses comédies et même que ses tragédies. Voltaire en dishabillé me plait davantage que Voltaire en habit de Théâtre. C'est dans ses lettres qu'il est éminemment lui. Son esprit, ennemi de toute espèce d'entraves, s'y developpe à son aise. C'est là qu'il est vif, léger, brillant, bouffon, folâtre; c'est un prophète qui prends toutes les formes; c'est une coquette qui change à chaque instant de visage. Il se replie en cent façons pour flatter et pour plaire. Le serpent qui seduisit Eve, n'était ni plus joli, ni plus malin. Ses saillies, ses boutades, ses caprices, ses contradictions forment des scènes toujours naturelles, toujours variées, toujours amusantes. Il n'y a que sa colère, sa grossièreté, son fanatisme qui ne soient point aimables. Quand il ecrit aux gens de *sa clique*, à ses garçons philosophes, il a le ton d'un soldat réformé, qui conspire dans une taverne. C'est un homme très poli avec les gens du monde, mais qui ne se gare pars avec ses valets.

'Voltaire n'étoit pas né pour le genre sérieux. Il paraîssait guindé, déclamateur charlatan dans le tragique, parcequ'il se moquait lui-même le prémier de son pathos. Il ne cherchait qu'à éblouir, qu'à tromper le vulgaire par des farces larmoyantes. On sait qu'il y faisait un métier. Il y a réussi, parcequ'avec de l'esprit, on fait tout passablement bien; parcequ'il n'avait pour concurrens dans cette carrière que des pauvres diables qui n'étaient pas aussi rusés que lui. Mais dans tous les ouvrages

enjoués et badins, dans les pièces fugitives, dans les petits pamphlets, dans les petits Romans, dans les facéties, et les turlupinades, dans les lettres surtout, c'est un homme divin ; c'est Voltaire qu'on trouve dans son talent naturel et vrai ; c'est alors qu'il est original, qu'il a une physionomie, un caractère, et qu'il parle du cœur. Dans tout le reste, son allure est génée et fausse. C'est un hypocrite, qui se compose parcequ'on le regarde.

'Je lui devais ce petit éloge pour le plaisir et même pour l'utilité que ses lettres m'ont procuré. J'y découvre le secrèt de sa composition ; J'y vois comme il travaillait ses tragédies, ce qu'il en pensait lui-même. Malgré sa vanite, il a des momens de justice, on il s'apprécie ce qu'il vaut. Ses lettres sont pour moi les coulisses et le derrière du Théâtre. Elles me mettent au fait de toutes les petites intrigues, ignorées à la foule, à qui on ne laisse apercevoir que la scène et encore d'assez loin.

'Désque Voltaire avait choisi un sujet de tragédie, incapable de le mûrir, il jeta rapidement sur le papier les scènes, telles qu'elles se presentaient à son imagination échauffée : la besogne était expédiée, et la tragedie faite ordinariement en trois semaines ou un mois. Il envoyait ensuite ce croquis à ses *anges*, c'est à dire, au Comte d'Argental, et surtout à la Comtesse qu'il appelait Madame Scaliger, à cause des grands commentaries qu'elle faisait sur les impromptus et les *prestos* tragiques qu'il offrait à sa censure : Si les remarques lui semblaient justes il corrigeait, retouchait, réformait : communément assez docile pour mettre, comme il dit lui même, *une sottise á la place d'une autre;* quelquefois il s'obstinait, il avait la sagesse de ne pas vouloir mieux faire qu'il ne pouvait.

'Souvent de lui-même, il remaniait son esquisse ; il changeait des actes entières ; il faisait de nouvelles tirades ; ce travail était bien plus long que celui de la première composition ; enfin lorsqu'il avait satisfait son conseil privé et lui-même, il s'occupait de la représentation, et c'était là une source de combinaisons profondes : les affaires d'un grand Empire ne se traitent pas avec plus de gravité dans le cabinet d'un souverain que toutes les minuties relatives au *tripot* (c'est ainsi que Voltaire appelle la comédie Française) ne s'agitèrent dans le conseil de Madame Scaliger ; tout était prévu, arrangé, calculé ; mais la pauvre tragédie, avant même d'être jouée, avait été tant de fois *rapetassée* et *ravaudée*, qu'elle n'etait plus qu'un amas de pièces et de morceaux.

'Ainsi se fabriquaient, ainsi se disposaient ces pretendus prodiges de poésie et de philosophie, destinés à subjuguer la prémière nation de l'univers ; ces chefs-d'œuvre, qu'une admiration

aveuglée a long tems consacrés. Je révèle ici aux profanes d'étonnans mystères ; ce sont les grands effets par les petites causes ; mais il faut rendre à Voltaire la justice qu'il mérite ; il riait dans son âme de ses tours de gibecière ; il connaîssait les hommes, il les méprisait ; il savait ce qu'il faut au peuple, et rarement en voulant tromper les autres, il se trompait lui-même.'

We have extracted this account of the process employed by Voltaire in the composition of his tragedies, rather for the curiosity of the facts, than because we agree with Geoffroy in the unfavourable opinion he entertains of it. We are inclined to think that it is the same in substance with the method employed by other good writers. Alfieri has given in his memoirs a very similar description of his own method, with the exception that his rough sketch was made in prose.

Zaïre is the most generally popular of Voltaire's tragedies, and the one that has found most favour in the eyes of our austere critic. He even goes the length of saying, that the three last acts may be called a master-piece. The hint is taken from the Othello of Shakspeare, and the catastrophe is the same. Orosmane is the Moor of Venice with the title and dress of a Sultan of Jerusalem, and the gallantry of a courtier of the age of Louis XIV. Instead of the Egyptian handkerchief, Voltaire has substituted an intercepted letter from a brother whom Zaïre unexpectedly discovered in a christian slave, the very day of her intended marriage with the Sultan, and Geoffroy finds great fault with the Sultan for not showing this letter to Zaïre and demanding an explanation, instead of regarding it as conclusive evidence against her, and proceeding accordingly. But how often do the heroes of poetry and romance conduct themselves upon principles entirely opposed to the ordinary maxims of common prudence! How many of these agreeable productions would be brought to a close before the end of the first volume or the first act, if, as our author correctly observes himself in a passage quoted above, the lovers had not taken an oath not to come to an explanation, lest the piece should finish to soon.

Mahomet is another of the most popular tragedies of the philosophical patriarch. It was thought dangerous upon its first appearance and was withdrawn after three representations, and a considerable outcry was raised against it by a part of the public. There is nothing in it that could be directly offensive, but it was regarded as a disguised attack up-

on all positive religions, and there are many passages which, though applied in the play to Mahometism, are couched in general terms and were supposed to be intended for Christianity. To silence all doubt upon this head Voltaire determined that his piece should come before the public in print, with the approbation of the head of the church. For this purpose he addressed a polite letter to Pope Benedict XIV, requesting permission to dedicate the tragedy to him, and to make the request more palatable he accompanied it by a Latin distich, which he wrote for the Pope's portrait, who was himself an author of no great note, and whose name was Lambertini.

> Lambertinus hic est Romæ decus et pater orbis;
> Qui mundum scriptis docuit, virtutibus ornat.

The letter of dedication is certainly a curiosity. It was written in Italian, and the following is given by Geoffroy as a literal translation.

'Très bien heureux Père,

'Votre sainteté me pardonnera la liberté que prend un des moindres fidèles, mais un des plus grands admirateurs de la vertu, de soumettre au chef de la vraie réligion cet ouvrage contre le fondateur d'une secte fausse et barbare.

'A qui pourrais-je dedier plus convenablement la satire de la cruauté et des erreurs d'un faux prophète qu'au vicaire et à l'imitateur d'un dieu de vérité et de douceur?

'Que votre saintété m'accorde donc la permission de mettre à ses pieds le livre et l'auteur, et de demander humblement sa protection pour l'un et sa benediction pour l'autre. Je m'incline très profondement devant elle, et je baise ses pieds sacrés.'

Voltaire at the Pope's feet is a pleasant caricature. The old Pontiff however took the request in very good part, was flattered by the attention of so distinguished a writer, and by the compliment of his distich, and accepted the dedication in a very polite answer, to which Voltaire replied with more flattery. The whole correspondence is printed in his works as an introduction to *Mahomet*. For this and other reasons the play, when it was brought out again some years after, was received with great applause: and still maintains its place among the most popular tragedies.

La mort de César is borrowed in part from Shakspeare's Julius Cæsar, but is not a favourite piece. Our stoical professor, notwithstanding the austerity of his principles, makes

on scruple to avail himself of every good opportunity to offer incense to Napoleon, the reigning idol of the day. The reader will have observed some instances of this in the passages we have extracted, and his remarks upon this play plainly tend to the same object. He takes occasion to bestow the highest commendations on the character of Julius Cesar, as the leader of the popular party, and the avenger of their wrongs upon a tyrannical aristocracy. Brutus and Cassius are no better than fanatical assassins, and are accountable for all the troubles and miseries that ensued upon the death of Julius. There is a foundation of truth in these ideas, especially in regard to the merits of the disputes between the Patricians and the Plebeians. It is admitted by the best critical inquirers, that the account of these matters by Livy is partial, and that the right was generally with the Plebeians, especially in the commencement of these quarrels. But the parties stood on entirely different ground in the time of Cesar, and were it otherwise his conduct would not be the more justifiable. His prodigious powers and various accomplishments are undeniable, but like Napoleon he had no sentiment of true greatness. It is equally clear, however, that the enterprize of Brutus and Cassius, though made with upright intentions, was ill contrived and worse executed, and productive in the end of much evil and no good. The reader may perhaps be amused by the adroit flattery of Bonaparte in the following remarks, in which, after all, the author was probably pretty honest. The arrival of Bonaparte at the helm of state was generally viewed at first as a favourable event, and was so regarded, we believe, by some of our own politicians, who have since professed the strongest opposition to his proceedings and character.

'Patriotism in an honest and virtuous heart is the noblest of sentiments, but patriotism never commanded a crime. Montesquieu has spoken in a loose and partial manner of the conduct of Brutus. Without praising or blaming it very distinctly, he attempts to justify it to a certain degree. He mentions an old prejudice of the Grecian republics, admitted as a law at Rome, which made it the duty of every citizen to put to death any usurper of the sovereign power. *He does not mention that the real usurpers of the sovereign power were the senators themselves, and that they circulated this idea in order to make use of it against the good citizens, like the Gracchi, who attempted to restore the laws*

and liberty. He does not tell us that Sylla, a far more cruel tyrant than Cesar, was praised and honoured because he was at the head of the Patrician faction; and that Cesar, the kindest and most generous of men, fell a victim to the pride of the senate because he was at the head of the popular party, and had put an end to the Patrician tyranny, which had so long crushed the nation. Finally, Montesquieu does not tell us that in a frightful chaos, where no law is acknowledged but force, *the chief who establishes order under a legitimate title conferred on him by the people, is not the usurper of the sovereign power, but the benefactor of his country and the restorer of the republic.* Montesquieu had sufficient acquaintance with the history of Rome to perceive these truths, but he knew the spirit of his time too well to publish them.

'The first Brutus immortalized himself by creating the Roman republic, as Cesar did by destroying it, and erecting on its ruins the Roman empire. Liberty had no part in the operations of these men. Ambition did all: and Brutus, the founder of the republic, was far more haughty, imperious, and tyrannical than Cesar, the founder of the empire. From the expulsion of the Tarquins till the establishment of the tribunes, and even till the enacting of the Licinian law, the Roman people, that is the whole Plebeian class, was in a state of slavery more abject than that of the populace of Constantinople and Ispahan at the present day. They relapsed into the same state after the murder of the Gracchi, and only recovered their liberty under the dictatorship of Julius Cesar, the leader of the popular party, who subdued the pride of the senate on the plains of Pharsalia, crushed the factions, and put an end to anarchy. These were his crimes, and for these he was assassinated by the hands of senators in the midst of the senate.

'This then was a bad subject for a tragedy, since Cesar, the deliverer, the benefactor of his country, is falsely represented as a usurper, as the destroyer of liberty, and the interest is attached *to a horde of banditti called senators,* who, under the vain pretext of patriotism and liberty, are cowardly enough to assassinate a man, who had given them their lives on the field of battle.'

This was written in 1806. The play was always interpreted during the revolution in a sense very favourable to popular principles, and contributed its share in producing the excitement of that period. It was frequently represented twice the same evening, and by the same actors.

After the time of Voltaire, the French theatre presents but little interest. The astonishing success of the *Mariage de*

Figaro is, however, a curious occurrence in political as well as literary history, and exhibits in a very remarkable manner the state of public feeling in France, just before the revolution. The piece is nothing more than a long farce in five acts, intended to ridicule the aristocracy of Europe. The author, whose name will live in the journals of our congress if no where else, had acquired a great ephemeral celebrity, by certain political writings connected with the affairs of the day. The piece was read in private circles with much approbation, but the court refused for some time to allow it to be acted. Our Professor relates the circumstances with much apparent gravity; one would suppose that some important political measure was in agitation.

'Cependant le Roi investi de toutes partes faisait encore quelque resistance; l'opinion en imposait à ses lumières; son désir de popularité luttait contre sa conscience. Il se laissa un jour arracher la permission de faire un essai de cet ouvrage fameux sur le théâtre des Menus. Voilà les comédiens Français qui se preparent au grand œuvre. Tout Paris est en rumeur. La nouvelle de la victoire de Devain y avait jadis causé moins d'ivresse. On se dispute, on s'arrache les billets d'entrée. Dès le matin, les voitures defilent avec fracas; mais, ô douleur! à onze heures un ordre du ministre défend la représentation: un deuil general succéde à l'allégresse: les equipages s'en retournèrent tristement, au petit pas, et les chevaux l'œil morne et la tête baissée semblaient partager le chagrin de leur maitres.

'Les irresolutions du foible monarque flottant entre le bon sens et la philosophie se prolongèrent un tems considérable: c'étoit un cercle continuel de permissions révoquées presqu' aussi tôt qu'accordées. *Beaumarchais* sans se rebuter pressoit le siège avec une ardeur infatigable. Enfin la philosophie triompha: il étoit dans l'ordre du destin que l'ancienne monarchie fût détruite et *que les rênes de l'empire Français fussent remises en des mains plus fermes et plus sûres.* A force d'importunités, de persévérance et d'intrigue, Beaumarchais arracha au gouvernement la permission de le berner. Il fallait, ou ne jamais la refuser ou ne l'accorder jamais. Tout gouvernement périt par sa faiblesse plutôt que par sa tyrannie.

'Enfin Figarro fut accordé à la curiosité et à l'impatience publique. Jamais représentation ne fut plus tumultueuse et plus bruyante. Beaucoup d'amateurs couchèrent la veille à la comédie dans les loges des acteurs, afin d'être plus sûr de trouver place le lendemain. Les fastes du théâtre n'offrent point d'exemple d'un succès aussi prodigieux et aussi constant. La piece eut cent

representations extraordinairement suivies : le public semblait ne pouvoir se rassassier de cette farce, véritable thermomètre du goût qui regnait alors. Elle valut cinq cent mille francs aux comédiens et quatre vingt mille francs à l'auteur.

'Mais la fortune n'avait pris plaisir à elever si haut Beaumarchais que pour le trahir plus cruellement : l'autorité ne s'etoit montrée si faible, si indulgente, si aveugle en sa faveur, que pour deployer ensuite contre lui une rigeur hors de saison au moment même de son triomphe : à la soixante quatorzième représentation de la pièce, Beaumarchais fut arrêté et conduit à la maison de correction de Saint Lazare comme un jeune libertin. Il avait alors cinquante cinq ans et pouvait être regardé comme incorrigible. On rit le prémier jour de ce coup d'autorité : le second on en demanda la raison : le troisième on raisonna, commença même à plaindre le prisonnier : la quatrième on apprit que par un trait d'inconstance aussi singulière que tout le reste, le gouvernement avait rendu la liberté à Beaumarchais. *Figaro* étant alors suspendu par l'indisposition d'un acteur, il paraît que le gouvernement s'étoit chargé de donner au public la Comedie.'

The last of the volumes is occupied by remarks upon contemporary writers. We have no room for further extracts, and if we had our readers would probably take no great interest in poets, whose names and works are never heard of out of France, and hardly within it. Some of the judgments of our author upon the literature of other nations, particularly England and Germany, would perhaps contribute more to their amusement, and we had intended to extract a part of his observations upon Shakspeare, but the length to which this article has already extended makes it necessary for us to omit them, and hasten at once to a close.

ART. XVII.—*Addresses of the Philadelphia Society for the Promotion of National Industry.* Philadelphia, M. Carey & Son, 1819, pp. 280.

THIS work owes not a little of its present size to the insertion of memorials to Congress in favour of manufacturers and other public documents, among which the report of Alexander Hamilton, Secretary of the Treasury in 1790, extracted from his works, may be recommended to our readers for their instruction ; and that of the committee of commerce and manufactures to the House of Representatives in 1816, for their amusement. The rest and the original matter contain-

ed in the book excite no other remark, than that most of the facts stated in them seem to be at war with the arguments, and to show that domestic manufactures have advanced with unexampled rapidity, and of course need no further protection. We proceed, accordingly, without farther preface, to make a few remarks on the important topics involved in the present discussions on the encouragement respectively due to the manufacturing and commercial interests, in our country.

That the wealth of a nation consists of the wealth of the individuals composing it, that individuals will seek the promotion of their own interest, and that their efforts to promote it will in the main be rightly directed, are positions which seem to lie at the very foundation of all systems of political economy. Hence legislative attempts to encourage any one kind of industry above others are always either pernicious or futile; for, if the occupation to be encouraged is in fact more profitable to those, who may engage in it, than any other, they will be sure to undertake it without the patronage of government, and, on the other hand, if a different pursuit is more profitable to them, it must for that very reason be more so to the public. It needs no law to induce men to seek their own emolument, and to procure every thing they want where it is cheapest, whether abroad or at home. Whatever they can buy for less than it would cost them to make it, they will prefer to buy, and by devoting as much labour as they must have employed in making it, to some more profitable occupation, will obtain not only enough to pay for it, but a surplus for use or for the purchase of some other commodity, a surplus, which is so much gained both to the individual and to the nation.

Prohibiting the introduction of foreign manufactures or imposing taxes on them can benefit the domestic manufacturer only so far as it tends to increase the price in our own market of the articles, whose importation is thus restrained, and is therefore, as this difference in the price is paid by the consumer, a tax on the community; the effect of which is to encourage the production of those articles at home; whereas it does not need encouragement if it is the most lucrative employment, and ought not to have it, if it is not so.

Such are the principles so fully developed and ably supported by Adam Smith in his Wealth of Nations, and from which he deduces the conclusion, that no government ought to aid

any particular branch of industry, or to impose the least restraint on trade, whether foreign or domestic. He admits indeed that when such restraints have been established, they should not be suddenly removed, but slowly, gradually, and after long warning; so that persons, who have engaged in any pursuit under their encouragement, may not suffer by being obliged to abandon it all at once in search of a new one. Perhaps he lays too little stress on this last consideration, but his general train of reasoning has never been refuted. Yet the conclusion, to which it leads him, has never governed the conduct of practical men, and is directly at variance with the policy of the most enlightened nations.

Adam Smith himself indeed does not recommend its universal application, but emphatically approves the English navigation act, which the greatest statesmen of that country have always considered one of the principal sources of its prosperity. This exception however is made, not on the ground that the act is favourable to commerce, or has any tendency to enrich the nation, for it is asserted to be a burden on the people, like every other restriction of trade, but because it contributes directly to defence, which is more important than opulence, and the tax, which it imposes on the public, is a cheap price for security.

Another exception is that of the importation of articles, on whose domestic manufacture some tax is imposed, in which case it is considered politic and favourable to the freedom of trade to lay an equal burden on the introduction of the same articles from abroad. Retaliatory taxes imposed on goods imported from nations, who restrain or prohibit the importation of our productions into their territories are approved, by this writer, only when designed to counteract the effect of the restraints or prohibitions complained of, or to bring about their repeal.

To this system of political economy it has been objected, that carried to its full extent, it might make a nation dependent on others for the comforts or for the very necessaries of life, so that an interruption of its established commerce would occasion great and general suffering. It is further said, that even with regard to conveniencies or mere luxuries, though they may be bought cheaper from a foreign nation during peace, yet that a war may increase their price so much and the time of war may bear so great a proportion to that

of peace, as to render them on the whole more costly than they would be if manufactured at home. These objections have much weight, and for ourselves we readily admit that the system of Smith, as stated and limited by himself, cannot safely be made the rule of legislation.

We cannot however adopt the language of some of the memorials, which burden the floor of Congress, and which take it for granted that since the conclusion laid down by the author of the Wealth of Nations is erroneous or too unqualified, all his principles are therefore false. We cannot assert that by establishing manufactories a nation gains the whole difference between the value of the manufactured articles and that of the raw materials composing them, because it is obvious that if the labour employed in them would otherwise have been devoted to some more lucrative occupation, the public loses by their establishment; and at any rate the profit, that would have been obtained by the workmen in the business, which they would otherwise have pursued, must be deducted from the value added to the raw material by their labour, in order to determine the net gain to the community. Otherwise the more it costs us to make any thing, the greater our inducement to do so; and nothing, which could possibly be made at home, should ever be procured abroad. The absurdity of such pretensions is well exposed by Smith, who states that very good wine might be raised in Scotland for about thirty times its present price, by means of glasses, stoves, and hotbeds, and asks if it be therefore reasonable and politic to prohibit its importation from France, in order to encourage its domestic production.

Some of our memorialists have even gone so far in their zeal as to deny the plain proposition, that it is more profitable to nations, as to individuals, to buy what they want cheap rather than dear. They profess indeed not to wish their doctrines carried immediately to their full extent in practice. But if they are true in their full extent, they ought to be enforced, and if not, the principles, which limit their application, ought to be pointed out. The conduct of the government should be regulated by sound principles, and not by the varying wishes of any class of men. The repetition of such futile propositions and inconclusive arguments as have been urged of late in favour of manufactures will ultimately injure the cause it is designed to promote; for no reliance

could be placed on the permanence and consistency of measures resting on so false a foundation, and it would evidently be more disadvantageous to manufacturers themselves that restrictions imposed for their benefit should be hastily repealed, than that they should never have been enacted. Nothing is more mischievous in the laws, particularly in those affecting the credit or occupations of individuals, than instability; and such laws should never be passed unless they are founded on some established and sound system, and supported by motives, which may be expected to preserve their influence over successive legislatures.

We have already admitted the system of Smith to be an unsafe guide, and therefore his reasoning must be erroneous, or at least defective, omitting the limitations and conditions necessary to make it applicable in practice, the only quality which gives value to any system. It is less important to decide whether it would be better for all nations to have abstained from commercial restrictions, than to point out the line of conduct, which it is expedient for a single nation to pursue in the actual state of things.

The fundamental error in that writer's argument is the assumption that enlightened self-interest is the sole guide of human conduct. Were this so, there would be no need of restrictions on trade, or indeed of any laws at all. It is true that the system requires a universal and intelligent pursuit of pecuniary interest only. Even this however is too much. Habit and indolence have an influence not less general, though it may seem less violent, than that of interest. We see them overpower it every day both in individuals and in communities. Men pursue the occupations, in which they were brought up, not only while they are profitable, but as long as they afford a subsistence; and what a difficult and slow process it is to civilize a barbarous people. It is then a national advantage, particularly where the population is rapidly increasing, to have a great variety of employments for industry, as each is in that case less likely to be too crowded, and a greater scope is afforded for the exercise of various capacities.

The error just mentioned is nearly connected with another, into which this distinguished writer has fallen, viz. the supposition that there is in every nation a certain quantity of labour, and that the encouragement of any pursuit can never

increase that quantity; but only divert part of it from one channel to another. Were the desire of gain indeed the only motive by which men are influenced, every one would labour to his utmost in the occupation, which he deemed most profitable. But in countries, where the people are employed exclusively in agriculture, still more where they are mere shepherds, and most of all where their subsistence is principally derived from the chace, they are at work but a very small portion of the time. The introduction of manufactures among them might increase the quantity of labour very much and its value still more, without diminishing in any degree the activity or productiveness of their former employments. Hence the establishment of such manufactures as call into action those who would otherwise be unemployed, and afford constant occupation for the intervals of leisure existing in other pursuits, may be said to create so much industry, the productions of which, increased perhaps by the use of powerful machinery, are a clear profit added to the common stock. Admitting then all restraints on trade for the encouragement of domestic manufacturies to be a tax on the community, there may still be cases in which this tax is more than compensated, by the fruits of the additional quantity of labour to which it gives rise.

It is evident that these remarks do not show the system under consideration to be entirely fallacious, they do not subvert the position, that restraining the freedom of foreign trade can benefit any class of citizens, only by enabling them to obtain from their own countrymen a higher price for their labour than they could otherwise do, and that this difference of price is an immediate public burden. They do not shake the general truth of the maxim, that it is best to supply our wants on the cheapest terms possible, but only show that there are important exceptions to its application. With some exceptions, however, the maxim is a safe guide for nations, as well as for individuals. But it by no means warrants the conclusion, that no taxes or restraints should be imposed for the purpose of encouraging domestic industry. The question is not what is cheapest at the present moment, but what is cheapest in the end.

If a monopoly of any business by a single class of our own countrymen tends to establish exorbitant prices, a monopoly in the hands of foreigners is not less dangerous; and those

who are secure from all competition in our market, whether in consequence of their own laws or of ours, have a monopoly in effect. Is it asserted that if founded on their laws, the tax is paid by their own nation? It may be so at first; but the object and the tendency of all monopoly is ultimately to throw a burden on the consumer. Let it not be said that if they abuse it by demanding extravagant prices, these prices alone will be a sufficient inducement for some of our own citizens to become their competitors. Such assertions are founded on the supposition that men will instantly abandon the pursuit in which they have been educated, to engage in that which is most profitable; a supposition not true with regard to any employment, and least of all in manufactures carried on by extensive and complicated machinery, in which much time, labour, and expense are requisite in order to maintain a successful competition with ancient and costly establishments. It is a common error to reject the greatest and best founded hopes of the future, when a sacrifice of the present, however slight, is necessary to realize them. Nor are the novelty, difficulty, and expense of such an enterprise the only obstacles to it. Since the advantages of possessing a monopoly are so great, it is very supposable that foreigners may attempt to ruin all new competitors by underselling them for a time, and thus endure a present loss, in order to perpetuate a monopoly, from which they will take care to derive at last an abundant compensation. Indeed the natural and necessary effect of every such new establishment is to diminish the demand for the productions of those, which previously existed, and these are thus apt to become overstocked and tempted to sell at reduced prices. This process is universally asserted in Germany and Holland to have been carried on, upon the largest scale by the English manufacturers, since the peace; who, out of policy or the necessity we have just mentioned, have stocked the continental markets with their fabrics, at less than the cost of manufacture.

Though every restriction, therefore, of trade, foreign or domestic, is an immediate tax on the public, and no class of citizens can receive legislative aid but at the expense of the rest, it is nevertheless for the interest of a nation to impose such restrictions, when they tend to provide the means of defence; to establish a useful variety of occupations, to increase the quantity and efficiency of labour, or to make the supply of its

wants cheaper on the whole than it would be without them, provided that in every such case the benefit thus ultimately obtained be a full compensation for the present burden. It is difficult to be definite on this subject, without entering into details, which our readers would deem too minute and tedious; for the propriety of any restriction depending on a comparison of the immediate inconvenience it may produce with the advantages which will subsequently result from it, every measure of this kind must be influenced by many considerations peculiar to itself and to the occupation it is designed to encourage.

Among the means of defence may be mentioned in the first place, implements and munitions of war. For any country to expose itself to the hazard of being surprised unprovided with these would be little less than fatuity. There are but two modes of providing them for a nation whose foreign commerce would be interrupted by a war—to import them during peace and preserve them in public magazines; or to secure their domestic manufacture by premiums and bounties, or by restraints on their importation. Both these measures are expensive to the public, but the last is the most efficient. A government that should undertake to hoard up warlike implements and munitions, must always procure more than it will actually need in order to be sure of having enough, and after all might find the most abundant provision exhausted by the length and severity of a contest, besides the loss of interest on their value, and that occasioned by their deterioration;—while the manufacture of them adapts the supply to the occasion, and instead of being exhausted, extends and increases with the increase of demand. The establishment of such manufactures, therefore, may be the best mode of securing the means of defence, even where it is the most expensive; but in our country it is the universal and undoubtedly the correct opinion, sanctioned too by the practice of the government, that it is the least so.

The means of subsistence and the common comforts of life are also essential to security. But the want of these does not increase like that of munitions of war with the difficulty of obtaining them. It is constant, and not materially varied by a transition from peace to war. This steadiness of demand, together with their bulk, which renders their transportation difficult and expensive, affords such advantages to

their domestic production, as to ensure it in most countries without the patronage of the legislature. In our own, assuredly, a war, deemed just and expedient, would not be delayed a moment by the apprehension that we could not provide ourselves with necessary food and clothing.

Naval stores are likewise necessary for our defence; but the demand for these too is constant, so that the want of them would not immediately increase with the difficulty of their importation. Those accumulated for commercial purposes, would on a sudden interruption of commerce afford a present supply for naval armaments. Hemp is one of the principal articles of this kind which we import, and before the stock on hand, on a commencement of hostilities, should be exhausted, its culture, already carried on in the Western States, might be so far extended as to raise it in abundance and of an excellent quality. It would be much more difficult in case of a permanent interruption of commerce, to procure sail cloth. None comparable to that of Russia either in cheapness or durability has hitherto been made by any other nation. Its manufacture cannot be easily established or speedily extended, and it would be provident to cherish and encourage it, even at a considerable expense, as soon as it can be done with a rational prospect of success.

The advantages resulting from a great variety of domestic employments in preventing any one from being crowded, affording scope for various capacities and dispositions, and giving activity to every occupation by facilitating internal trade, are direct and obvious enough to require legislative provisions only in rude countries or in such as are merely agricultural or pastoral. But though this consideration alone rarely justifies the imposition of restrictions on trade in refined countries and least of all among a very enterprising people; yet it should have much weight in preventing the obstruction of any channel of industry already formed.

Those occupations, which increase the actual quantity of labour by affording employment for time, which would otherwise be wasted, are most deserving of encouragement. But they have least need of it, because the whole labour created by them, is a clear profit to the individuals engaged in them, as well as to the public, and they are therefore in no danger from foreign competition. Instances of these are household manufactures, and those carried on by children. The form-

er, though they require more time and exertion than is sufficient to produce the same effect in large establishments, where more perfect machinery is used, and the division of labour is carried to a greater extent, are highly advantageous to the nation both in a moral and economical view. Not only they do not impede the employment, whose intervals they occupy, but they often promote its success, by establishing habits of method and activity.

There are then limitations to the application of the rule that a nation should seek the supply of its wants where it can be found cheapest. As a general rule, however, it is correct; and the main error of the system founded on it, is the deduction that no restraints should be imposed on trade in favour of domestic industry. Since monopoly tends to enhance prices, and competition to diminish them, it is obviously profitable to a nation for its citizens to enter into competition with foreigners; and the amount of this profit in any occupation depends on its necessity and general use; and on the degree to which its productions are improved and their price diminished by the competition. Whatever this amount may be in a particular instance, it is certainly good policy to purchase it at the expense of any present burden, which is necessary to obtain it, and at the same time not more than a fair equivalent for it.

The supposition that we shall have it as speedily for nothing; that as soon as competition is a general benefit in any pursuit, it instantly springs up of itself, is inconsistent with common experience, with the fact that men are often deterred from a new undertaking by the great expense necessary for its commencement, by the time requisite for acquiring a competent degree of skill, by fear of the opposition of those who already possess its monopoly, or by a doubt whether the benefits to be gained will be realized during the life of those, who first undertake it, however certain it may be that they will ultimately accrue to the nation.

The natural situation and climate of some countries give them such advantages for certain pursuits, that no present encouragement could enable our citizens to rival them hereafter in these on equal terms, even in our own market. What would be thought of excluding teas, wines, and brandy, with the design of encouraging their production at home? There are, however, many manufactures, which, once established,

may enter into fair competition here with those of any other country, since these must be burdened with all the expenses of transportation. It is true, indeed, that wages are higher among us than in any part of Europe; but this difference is more than counterbalanced in some cases, as in coarse manufactures of iron, those of wood, skins and glass, by the freight of articles, whose bulk is so great in proportion to their value. Where the work is principally done by women and children, or by the aid of powerful machinery, this difference in the price of labour is less or less important. In manufactures, whose raw materials are produced in our country cheaper and better than elsewhere, so as to be objects of export, the domestic workman has an additional advantage by being saved the charge and delay of two transportations, and sometimes of two imposts.

The ultimate benefit derived by the community from the encouragement of any branch of domestic industry depending, in general, on the increase of competition, it may be objected that prohibitions of importation or duties amounting to them do not increase competition but destroy it, or at best, even in case of articles previously monopolized by some other nation, can do no more than transfer the monopoly to our our own countrymen. The remark is just; and therefore perpetual prohibitions or perpetual prohibitory duties are always impolitic, and a tax on the public, except when the domestic competition is so great as to afford the article prohibited at the cheapest rate, and in this case they are entirely unnecessary. Undoubtedly duties should be imposed on every employment of foreigners interfering with the settled occupations of domestic industry, at least equivalent to the bounties granted them in their own country, for this tends to preserve a fair competition and to prevent a monopoly by them. But beyond this it is very questionable whether such duties should be permanently fixed at a higher rate than the most profitable, which is the highest, that can be established without excluding competition from abroad, and thus giving a single class of citizens the advantages of a monopoly to the injury of the rest.

When further support is proper, the cheapest and most efficient is to grant bounties or premiums, though this would be more unpopular than measures in reality less economical. Heavy imposts or even temporary prohibitions, whose amount

and duration must depend on the nature of the pursuit to be encouraged, on the charges to be incurred and the skill acquired before it can be fully established are also admissible; for a temporary monoply may produce a general benefit, though a permanent one cannot.

The encouragement of a particular occupation being of necessity an immediate charge on the community, it can be justified only by showing that this expense will be counterbalanced by the common benefit, which it will ultimately produce; and since every benefit should be obtained on as good terms as possible, the burden ought to be the least, that is adequate to the accomplishment of its object. When, therefore, sufficient encouragement is given to any pursuit to ensure its continuance, its extension should in ordinary cases be left to time and industry.

In selecting objects for the patronage of the nation, those should be preferred, which promise the most abundant and speedy remuneration for its aid, those which from the situation of the country or the character of the people, are likely to be most extensively cultivated here, and most successful in competition with foreign productions; those in short to which our circumstances are best adapted, which therefore need the least artificial excitement, and whose protection is of course least burdensome and their progress most rapid. The consequences of attempts to promote these will enable us to judge with more confidence of the propriety of extending such patronage to those departments of industry, whose support requires a greater sacrifice and presents a more doubtful result.

In making this selection it is also of great importance to consider what new business is least likely to interfere with any branch of national industry already flourishing. If it is not for the good of the whole community that a particular pursuit should be encouraged, it ought not to be so; and if it is for the good of the whole, the whole should bear the burden. Since individuals cannot instantly change their employments without considerable loss, to prevent by new laws the prosecution of one already carried on is an immediate and positive injury to those engaged in it, and is equally impolitic and unjust. Such is the preposterous proposition to abolish drawbacks and thus throw away much of the carrying trade, which if not the cause of national prosperity, has

at least always been followed by it, whose acquisition in every age and country has been attended by national power, wealth, and refinement, and whose loss has been as universally the prelude of decay. The effects of this wanton blow would be generally felt. By it our produce would be excluded in effect from all the ports, where it is sent only as part of a cargo, the residue of which consists of foreign articles reexported; and its sale would every where be greatly embarrassed, and its price of course depressed; since we could not exchange it with other nations for those of their commodities, whose purchase would be most profitable to us, but should be limited to such as we could manage to consume at home. This abolition could be advantageous to manufacturers only as it might raise their relative wealth in society by injuring another prosperous class of citizens, more than it injures them. For it is obvious that it would be injurious even to them by preventing the free and abundant importation of the materials necessary for carrying on their business; thus enhancing their price and rendering the manufactures of our own country less able to rival those of Europe. It is worthy of remark that one of the measures recommended by Alexander Hamilton for the direct encouragement of domestic manufactures is the allowance of a drawback on the materials composing them.

Acquitting the manufacturers, however, of the absurdity of desiring all that some of them demand, or intending to propose the abolition of drawbacks in all cases; and supposing them to confine it to those articles whose use may diminish the consumption of domestic manufactures, we still think this the worst of all modes of giving them encouragement, because it would keep the demand for such articles perpetually fluctuating. No more would be imported than was intended for internal consumption, and the average quantity consumed would be about the same, whether a drawback existed or not. But any circumstance rendering the supply occasionally insufficient would enhance the price, which would tempt a sudden increase of importation, and if this or any other event should for a time glut the home market, and the abolition of drawbacks prevent exportation, a great depreciation would take place in these articles, and of course in the domestic manufactures, with which they came into competition. This is one of the inconveniences constantly attending a very lim-

ited market. The most extensive demand is always the most steady, and the steadiness of demand, or what amounts to the same thing, of price, is the only safe reliance of manufacturers. A much lower than the average price directly injures them, and a much higher tends to occasion such an increase of their number as to make them ruin each other by competition.

Requiring the payment of duties on all merchandise on its delivery from the custom house, would be less pernicious than the abolition of drawbacks; but so far as its object is to restrain commerce for the benefit of manufacturers, it is equally unjust. What apology is there for sacrificing the interests of one class of citizens to those of another? If the change proposed be necessary for the administration of government, and to ensure the due collection of the revenue, it ought to be adopted, for it is then a burden imposed for the public good; but it is quite another and a different thing, in effect as well as in origin, when imposed to gratify the demands of manufacturers alone. In such case it would be a most mischievous precedent.

To determine how far the measure is requisite to secure the collection of the revenue, it need only be stated, that the duties accruing from the customs, from the organization of the government to the end of the last year, amounted to more than three hundred and fifty one millions of dollars; that the sum lost by the insolvency of those bound for the payment of duties is about one million, and that which is doubtful little more than five hundred thousand, both which sums together are not equal to half of one per cent on the whole amount. The sum lost by the defalcation of collectors and other receivers of public money is about the same, and that lost by the misconduct of officers employed in disbursing it much greater. The multiplication of public officers and the ware-houses which would be necessary under the proposed system must render it far more expensive, than that hitherto pursued. The present mode is rather a convenience to the government by enabling them to calculate more accurately before hand the amount of revenue which will accrue in any year, and thus to provide for an occasional deficiency.

Both these measures have a tendency to diminish the revenue, the abolition of drawbacks by preventing the introduction of any goods for reexportation, on which the government

retains two and a half per cent of the duties, and the refusal of a credit on duties, by diminishing the commercial capital employed.

The freedom of trade then, by creating and extending competition, is conducive to public prosperity, and ought never to be restrained but in order to obtain some national advantage fully compensating the expense and inconvenience produced by the restriction. The obstruction of some channels of trade has been recently urged with much clamour, not for the encouragement of domestic industry, but on the ground, that though profitable to those engaged in them, they impoverish the nation. This is the case, we are told, in our commerce with those countries from which our imports are greater in value than our exports to them. The difference, it is said, is a debt, which must be paid by exporting specie, and of course lessens our national wealth, and the balance of trade is unfavourable. Though the absurdity of this whole doctrine has been frequently exposed, it is still repeated, and we know no mode of preventing its gaining credit like many other errors by mere reiteration in spite of argument, but to oppose to it the repetition of the truth.

Even if the theory of the balance of trade were correct, the usual method of ascertaining this balance, by comparing the values of our exports and imports at their respective places of shipment, which seems by a late law to be adopted in Congress, is absurd; for according to this, in every case all a merchant loses on his outward voyage is calculated as gain, and all he gains as a loss. If his ship sink in the ocean, her cargo swells the amount of exports, while there is no corresponding return, and thus renders the balance of trade so much more favourable to the country than if she had gone safe. On the other hand, if her outward cargo sells for twice as much as it cost, and the whole amount is brought back in foreign merchandise, here, say these economists, is a total loss equal to the sum originally exported, for the difference between these two cargoes is of course a debt, which the country must pay in specie. Yet in truth it has contracted no debt and is to pay no specie, but has gained the very sum which is thus called a loss. The only means of ascertaining the amount of debt incurred by a nation in any branch of foreign commerce is to compare the value of its exports, where they are sold with that of its imports where they are pur-

chased. This would show how much it has to pay to any country beyond the value of direct exports to it. But it is by no means certain that this debt will be paid in specie. Our domestic productions may be sent to some third country, where goods which perhaps we do not want, and our creditors do, may be obtained to satisfy their claim. Or it may be paid in specie, without our exporting an ounce of gold or silver. Suppose a merchant, having imported a cargo of oil from the Mediterranean wholly on credit, to send it to Russia, and there sell it for enough to pay the debt in specie, and also to purchase a cargo for home, surely this last cargo is so much gained. And yet, according to the theory of the balance of trade, it is so much lost.

Admitting, however, that the balance of trade with a single foreign nation cannot be thus ascertained, still it is said that the excess of all the merchandise imported over all that exported must be paid for, and this can be done only by the precious metals. It is true that if the cost to our citizens of goods imported be greater than the proceeds of their goods exported, the difference ought to be paid; but not necessarily in money. It may be in labour, as by the carrying trade. Or if goods be imported on credit obtained abroad, and never paid for, a circumstance which occurs but too often, how can this be deemed a total loss to the country of the debtor? It may be an evidence of his poverty, but certainly it is not the cause of it, and must tend to impoverish the country of his creditor rather than his own. If the value of our imports and exports be taken in our own market, so far is it from being true, that the excess of the former is a gain, and that of the latter a loss, that including the precious metals, or supposing their importation and exportation equal, which is much more nearly the case in the ordinary course of trade, than is commonly supposed, the converse of the proposition is the truth; the excess of imports over exports is gained, and the excess of exports, which these economists call the measure of profit is in fact the exact amount lost. It cannot need an argument to show that any one gains, what he receives more than he gives, and loses, what he gives more than he receives. It is a fact which ought to shut the mouths of Americans on this question, that since the establishment of our constitution, during a course of unexampled prosperity, while commerce has been pouring over the land a flood of

wealth, this pretended balance of trade has always appeared unfavourable to us.

The trade with the East Indies is also particularly condemned, because it is said that it diminishes the quantity of specie in the country, and that this necessarily impedes public prosperity. Both assertions are erroneous. A great and constant demand in any place for specie, as for other property, no matter how it is to be used, tends to make it more abundant and cheaper, by establishing a steady and extensive market for it. Hence it is, that ever since the East India trade has been known, specie has been cheapest and most abundant where that trade has been most extensively pursued, and that Venice, Lisbon, Amsterdam, and London, have been, as they successively possessed it, the bankers of Europe.

Specie indeed is not a mere sign of value, but as really valuable as any other property we possess beyond the quantity we can consume, because it enables us to command the labour of others and may be given for whatever we want. It may be exchanged at all times and in all places for the commodities we most desire, more readily than any other goods; and in this alone consists its peculiar value. If then certain nations or individuals desire to have tea and silk more than any thing else, the principal worth of specie to them is its power of purchasing these articles, and if such purchases be prevented, its real value is diminished. It is perfectly immaterial whether our payments to foreigners be made in specie or in merchandise. Every thing we purchase must be paid for at last by our own productions. Money may be the article which we give immediately, but how did we purchase the money? It could only be by the fruits of our own capital, or of our own toil.

The preposterous position, that a trade may impoverish the nation, while it enriches all the individuals engaged in it, is not confined to our street politicians, but is heard even in Congress. An act has recently passed, requiring a statement on oath of the cost at the place of shipment of all merchandise, imported or exported, whose value is not already ascertained under the existing laws. Specie is probably intended to be omitted, under the absurd idea, that the value of our whole imports and exports must be equal, and that therefore if the amount of merchandise be known, the quantity of specie can easily be estimated. The treasury, however,

which sometimes works wonders by construction, may construe the general term merchandise to include specie, and in that case, if the law be fully executed, the excess of imports over exports will show the gain of all outward voyages; and estimating the value of both in our own market, the same excess will be the whole profit of our foreign commerce. This is exactly the converse of the common rule.

With regard to manufactures, we rejoice to see them flourish, because their natural and spontaneous growth is an evidence of prosperity. But they ought not to be supported at all hazards and at every expense. The example of England is often appealed to, and we are told in our newspapers, that she owes her greatness to her laws for the encouragement of manufactures. The most distinguished and enlightened of her own statesmen and economists, however, agree in attributing it principally to her immense commerce, and in ascribing the poverty of the lower classes of her people to the inordinate extension of manufactures.

We sometimes hear complaints, that our shipping has been too much encouraged by Congress. Now, what is the extent of this encouragement? The advantage given to Americans by discriminating duties has not been greater than other governments gave at the same time to their citizens, and its effect has been to place all carriers on equal ground, to increase competition instead of precluding it, to prevent foreigners from seizing a monopoly, not to give one to our own merchants. The activity and skill resulting from this competition has made both freight and insurance far cheaper than they otherwise could have been. That our merchants want nothing more, and depend solely on their own exertions for success, is proved by the fact, that not a murmur has been uttered by them against the last commercial treaty with Great Britain, by which the shipping of the greatest commercial nation, that ever existed, has been placed in free competition with ours; but on the contrary they consider it an advantage.

A refusal to impose on foreign vessels in our ports burdens equivalent to those imposed on ours in theirs, would enable any nation to obtain a monopoly of our trade with them, and when they have once secured this, who can doubt but they will take care to derive from it the utmost profit possible, and compensate themselves abundantly for the difficulty and expense of acquiring it?

ART. XVIII.—*An appeal from the judgments of Great Britain respecting the United States of America. Part first, containing an historical outline of their merits and wrongs as colonies; and strictures upon the calumnies of the British writers. By Robert Walsh, jr. Second edition.* Philadelphia, Mitchell, Ames, & White, 1819, 8vo, pp. 512.

THERE is a great deal of justice in the following expression from the famous Essay on the Canon and Feudal Law, by President Adams; 'Is there not something extremely fallacious in the common-place images of mother country and children colonies?' (p. 136, London edition, 1768) We should be inclined to extend the idea farther. One hears a good deal of national friendships and national enmities; of parental and of filial regards between states: but we are apt to think that this sort of language has at best but a rhetorical correctness. One sees, even in private life, and between individual men, that the members of the same family, born of one blood and nursed at one bosom, need but to wander away in different paths of pursuit, or get entangled in opposite parties, or wedded to rival interests, and all the tenderness of relationship is forgotten, and they go beyond even strangers in the cruelty of their jealousies and enmities. As between nations there are no such strong ties to be broken, no such tender sensibilities to be wounded, it is not natural that the general and abstract preposessions, which may exist between them, should survive the first shocks of conflicting commercial or political interests. Are nations remote and disconnected from us, then we are indifferent to them. There is certainly no people on the earth whom we have less cause to dislike, than the inhabitants of the Birman empire. But we do not know them, we are not acquainted with them, we do not meet them on the highways of the sea or earth, which we frequent. We have no doubt they are excellent people, and have an excellent government; as good a people and as good a government as those of Russia, Hayti, or Turkey; but not having had occasion to interchange those little national presents of cargoes of silk, nankin, and tea; of cotton, tobacco, and flour, we have no more regard for them, than for our worst enemies. Then if nations are near, are contiguous, unless their insignificance make us indifferent to them, producing a political removal of the same effect as a geographical one, it is hardly possible to keep friendship, amidst the thou-

sand cross interests that will arise in the way of intercourse. The governments will have an interest to make each other odious, on account of the unavoidable connexion of domestic and foreign politics. This was the case with our own country, during nearly the whole interval from the peace of 1783 to that of 1814. It was no small part of the political tactics, to render England and France respectively odious to the rival parties in our country. And when this object is once achieved, when the domestic parties in a free country are once distinctly associated with the question of the merits of foreign nations, any length of hostility, into which the public feeling may run, is adequately accounted for. It is not the topic, that gives the bitterness; it is the rival interests, the rising and falling, the out and the in, that are pledged upon the topic. The die, which gives and takes a fortune at a cast, is in itself wholly worthless; and the people of Hamburg, a hundred years ago, while disputing upon the question, whether, in the Lord's prayer, you should follow the German idiom, and say 'our Father,' or follow the Greek idiom, and say 'Father our,' cut each other's throats with as much zeal as they could have done, in a controversy of the most momentous and eventful nature. We have no doubt, that by far the greater part of the friendly and hostile feeling respectively cherished in this country toward England and France had its origin in the circumstance, that our own domestic politics had become involved in the question of their respective merits; involved we will not say accidentally, but certainly by a series of causes, in themselves too gradual in their operation to give rise to any great excitement, any farther than they might associate themselves with the leading political divisions. This is confirmed by what has been going on since the peace of 1814. The allaying of party spirit in our country, having deprived the controversy about foreign nations of its principal interest, we have become almost indifferent to France, and it does not enter any body's imagination to like or to dislike her.

The case is singularly different with respect to England. A spirit of hostility to that country seems to be prevailing in ours, and those who, during our political contests, went the farthest in their enmity to Great Britain, are now lost among the throng and mass of the nation, which is getting to breathe the same spirit with unusual unanimity. The imme-

diate causes of this are pretty obvious. The extinction of parties has proved a great damper on the zeal with which we loved and praised Great Britain. We often eulogized Great Britain or France because our political opponents did the same; and in order to be heartily opposed, one must laud what his adversaries reprobated. But that instead of indifference, as in the case of France, a warm hostility of feeling has taken place in so many minds toward Great Britain, arises, we think, and it does not need Mr. Walsh's book to confirm the opinion, from the indiscriminate and virulent abuse, which has been lately heaped upon America, in English works that circulate too much among us to remain unknown, and with too great authority to be laughed at. There was always, indeed, a strange awkwardness, a game of cross purposes, in the partially felt and expressed in this country toward England, and in England toward America. For it was the opposition to the administration in America that denounced Bonaparte, and sympathised with the English ministry, and was in consequence stigmatized at home as being under British influence. And it was the opposition in England, who resisted the ministry, and who felt but a very qualified jealousy of Bonaparte, that covered the American administration with praises. So that when the American eulogists of England went over to that country, they were bewildered with being embraced as cooperators in sustaining the great cause of continental rights against Britannic encroachment; and when the English admirers of America entered into explanations, it was always in favour of a policy which the friends of Great Britain in America itself regarded with horror. It was of course idle to expect that so ill compacted an association could long exist, or that any permanent friendship could grow up between nations, when those in each nation, that were nominally the friends of the other, were in reality the most directly in collision, and the opposition in one country sympathised with the administration in the other. It was soon found by the result that much which had been said and done on both sides had been from pure party annoyance; and the most zealous eulogists of America in the British parliament or the British journals, showed themselves ready to veer to the opposite side of the compass the moment the ministry could with most success be assailed from that quarter. It is now the ministry that will not interfere with

Gen. Jackson or the Florida treaty, and it is the Marquis of Lansdowne and Mr. Tierney that are stirring up the lords and commons on the subject of the cruelty and ambition and the crying assumptions of this aspiring republic. Meantime, we, who like all honest people, wish to be thought and spoken well of in the world, and are sorely perplexed with this pitiless pelting from all quarters, are too apt, it may be, to generalize on the subject, and to suppose that there is a systematic and organized hostility to us in England, when perhaps the symptoms which seem to indicate such an hostility may be more easily accounted for. As far as it is the policy, real or imaginary, of the British government to discourage emigration to the United States, shop-keepers, manufacturers' agents, and Scotch gardeners, *gentlemen*, as lord Grey calls Fearon, will still be deputed to pick up or invent with local probabilities a few unlucky facts, in order to give a colouring to detraction, and frighten away the timid wanderer. Most of the travellers in our country fall within the categories which we have just given; and yet we cheerfully allow it possible for travellers of far different character, of fairer minds, and better breeding than the Englishmen, Scotchmen, and Irishmen, who have commonly honoured us with their visits, to travel through America and return dissatisfied to their native land. What country does please and satisfy, we will not say English travellers, but any travellers? What are the feelings with which an Englishman returns from France, from Italy, from Germany? Is not his pilgrimage through these regions a conflict, a warfare, a long fret? Do not postilions and postmasters, tavern-keepers and landlords, custom-house officers, beggars, and brigands, classes of men alike in all countries and all ages; do not these and a score of other names not less ominous to the experienced traveller, wage a war with the British pilgrim from the quay of Calais back to the white cliffs of Dover, which fills his heart with bitterness to the end of his life; not however preventing him from repeating his trip in two or three years? Or look at a Frenchman in London, what a desolation he feels and shows in a London coffee-house, at a London play, in a London fog; with what yearnings of heart he thinks of Racine and the Français, when he sees elephants and trained dogs on the boards of Covent Garden and Drury Lane; and how he sighs for a cabinet at Very's and Beauvillier's, when with true patriarch-

al simplicity a joint of beef is brought him at George's coffee-house, from which he is to cut his dinner, and from which a half a dozen parties have cut before. And even if all these wondrous grievances, which beset the English traveller on the continent, or the French traveller in England, did not exist, and the pilgrims returned respectively to Paris and London full of the praises of the lands they had visited, what would these praises prove? Nothing but this, that among a thousand national imperfections and social evils, the nations in question happened not to have those which are most afflictive to travellers; this worshipful company being slow to take distinctions between conveniences and virtues, and holding that to be the best country, where the taverns are cleanest, and the post best served.

But we should despair of satisfying English travellers to any great degree, because, however liberal their spirit, it is impossible to become acquainted with a foreign country in a short or even a long excursion through it. The goodness of a land is not built up in its bricks and stones, does not abide in the bridges and turnpikes, nor chaffer on its exchanges; but it retreats to the fireside; it exists, if it exist any where, in family and social circles, it slumbers commonly in every-day times, and only awakes at a loud call, and on a great occasion. The traveller may not be present at these moments, he cannot get an unceremonious admission to these domestic retreats; he makes a few dinner-table acquaintances, picks up a few dates, and names, and facts, and fills up the rest of his book from the geographers, the newspapers, former travellers, and his own imagination. Moreover, he must be a foreigner of singular fairness, who does not partake a sort of jacobinical spirit of fault-finding, which is apt to operate, whenever we judge of any body but our own selves, our own city, our own country. It shows originality to find fault, and wit to detect ridiculous faults; and who would lose the credit of being original or witty, for want of finding or making a few imperfections in a foreign land? In a word, we have given up the idea of ever seeing a book of travels with any pretensions to merit or authority, which would satisfy those most concerned in it, since it came to our knowledge that Madame de Staël's de l'Allemagne was the horror of the Germans, for the liberties she takes with Germany; and of the French for the praises she bestows upon it. So that without

supposing any political motive, we may probably never have a book of English travels in America, which will satisfy our demands. And if we should have, if we find a man praising us as zealously as our national vanity would dictate, be sure that it is out of despite to his own countrymen, and that he praises us to disparage them: as is the case with such writers as Cobbett.

Many of the attacks made upon us, especially in the journals of the opposition, may well be ascribed to the personal feeling of the unknown individual who writes them, and not to any supposed party, far less to the nation. A malignant contributor may be charged with the American department; or an abusive book of travels may have been entrusted, as a happy text to an unlucky wag, who is used to figuring, with success, under this broad cloak of corporate criticism, which covers up our individual weaknesses, and enables us little men to stand boldly under the shadow of a great name. Thus the celebrated review of Inchiquin's Letters in the XXII number of the Quarterly, which has been damned to a more infamous notoriety than ever before fell to the lot of a piece of criticism, and the article on America in the LXI number of the Edinburgh Review, are ascribed respectively, we know not how correctly, to contributors, reverend contributors too, whose names, if divulged, would break the charm of any fancied authority, that now goes with their anonymous opinions; and show us that the article in the Edinburgh Review was from a gentleman, who thinks a witticism, to whatever subject applied, quite as precious as a truth; and the article in the Quarterly Review from another gentleman, who holds a bishopric, by whatever means obtained, to be far goodlier than a deanery.

We do not wish to have it inferred from our remarks, that there is really no settled, regular hostility to America in any portion of the English community. It is, on the contrary, quite natural, that something of the animosity, which was excited by the violent separation of the colonies, by such a stain on the British escutcheon, such a 'robbing of the crown of its brightest jewel,' that something of this animosity should have been transmitted to the present day. All the generation has not passed away, which was engaged immediately in the transactions and scenes, that must have filled so many British hearts with bitterness. All the eyes are not closed, which

saw a vast and fertile continent torn proudly away from their empire. The brother is still living of that misguided minister, who ventured the heavy ship of state into this broken and perilous sea, and the royal hand, which signed the treaty of abdication of sovereignty over this continent, is but just laid motionless.

It can scarcely therefore be expected, that what was so grievous a mortification, at first, should have become a less one, when every year has shown more the richness of the pearl thrown away. If it were a cruel disaster to be dismembered of the comparatively insignificant colonies, the feelings with which that disaster was borne cannot be allayed, by finding how these colonies have grown up and increased; by finding that they lost not a little belt of population along the margin of the sea, but that mighty throng which is filling the continent, crossing the mountains, pursuing rivers to their source, compared with which the Danube and the Nile are small, and finishing the tour around the globe, which human population had never before achieved, by sitting down on the shores of the Pacific. Moreover, strong deep national impressions remain with a pertinacity in Europe, of which we, whose whole existence has been a succession of great and rapid changes, a course of active development, can hardly conceive. In the countries where no such fermentation is going on, where forms, institutions, families, tenures, and even dwellings, are old, permanent, and hereditary, opinions often descend with as much regularity as estates and titles. It is a matter of course, that he who inhabits the venerable feudal castle today, should think on all great political points as he did who inhabited it thirty years ago. It has been pleasantly observed, that when the emigrants returned to France, after the restoration of Louis XVIII, they ran to the palace, to see whether beau Dillon was still standing as a guard on the Queen's stairs: and in the like spirit there are not wanting English authorities at the present day, who speak of the American revolution as a *rebellion;* and our brethren of the Quarterly Review allude to the separation of the countries as an event, 'at least as *unfortunate* for America as for England.' Such a spirit resides in the old families, in the church, in the hereditary political parties, though we are willing to own that the world has had such a thorough shaking together, and men have been thrown so often and so widely out of their

track, by the agitations of the French revolution, that there are few periods in English, not to say European, history, in which men have been so little indulged as the present generation, in the glorious privilege of holding to exploded theories, refuted arguments, and political measures, constantly repeated, and constantly discredited in their results.

But it is time to turn our attention particularly to Mr. Walsh's book. We have heard objections to its general design. It is a common remark, at least in this part of the country, that the unavoidable tendency of such vehement recrimination as it is supposed to contain, is to widen the breach, to perpetuate hostile feelings, and to awaken or cherish a bad spirit in our country toward the country, with which some tender associations connect us, and with which as we are to have most of our dealings, it were best to be on courteous terms. We have been calumniated, they say, it is true, but this has mostly been by illiterate and itinerant pretenders, and if the war of defamation is not to be carried on *ad internecionem*, a stop must somewhere be put to it, and we ought to set the example. This course of remark breathes a spirit, which one must commend, but justifies itself by incorrect assumptions. It is not wholly by illiterate and ignorant itinerants that we are calumniated, but by the highest political and literary authority, in the most respectable journals, and on the floor of parliament. That the calumnies which have received the seal of these grave authorities are derived from ignoble and contemptible sources is true: but it is partly this very thing which constitutes the injury, and makes it necessary to vindicate ourselves from charges, which not only their own grossness but the poor authority from which they are derived have not rendered duly suspicious. Neither does it seem to us correct to accuse Mr. Walsh of having taken an injudicious course, in managing this cause. We by no means agree with the remark, which we often hear in this connexion, that to retaliate is not to refute a charge; and that Mr. Walsh has left our own character undefended, in the zeal with which he has retorted upon the English. In the first place, we suspect that such remarks are usually made by persons, who have not read Mr. Walsh's book themselves, but who have caught up, from conversation or newspaper critiques, an idea that it is filled with nothing but recrimination, and that after having quoted

the various charges made by British writers on us, or aspersions thrown by them on our character, he does nothing but look into the English history and character for an offset. Now though Mr. Walsh has done this last, in many instances, with singular success, yet his process is by no means so compendious as the objection implies. When the calumny consists in a misstatement of facts, he is diligent in rectifying it, and performing the thankless task of putting those right who, not wholly from want of information, were in the wrong. We cannot but quote, as an uncommonly happy instance of this, the following detection of a calumny too gross, and from a source too low to have deserved an honourable man's notice, but that the Earl Grey and our illustrious brethren of the Edinburgh and the Quarterly Reviews have seen fit to lend it the stamp of their authority.

'But, it is not only of flippancy and rancour that we could convict this traveller, [Fearon] throughout: in several instances he might be shown to be guilty of deliberate, circumstantial falsehood. I will select one which may represent his whole book, and in which the Quarterly Review is implicated. In his report from Philadelphia, dated October 12, 1817, he writes thus:—

"Seeing the following advertisement in the newspapers, put in by the captain and owners of the vessel referred to, I visited the ship, in company with a bootmaker of this city.

'The passengers on board the brig Bubona, from Amsterdam, 'and who are willing to engage themselves for a limited time, to 'defray the expenses of their passage, consist of, &c. Apply 'on board of the Bubona, opposite Callowhill street, in the river 'Delaware, or to W. Odlin & Co. No. 38, South Wharves.'

"As we ascended the side of this hulk, a most revolting scene of want and misery presented itself. The eye involuntarily turned for some relief from the horrible picture of human suffering, which this living sepulchre afforded. Mr. ——— inquired if there were any shoemakers on board. The captain advanced: his appearance bespoke his office; he is an American, tall, determined, and with an eye that flashes with Algerine cruelty. He called in the Dutch language for shoemakers, and never can I forget the scene that followed. The poor fellows came running up with unspeakable delight, no doubt anticipating a relief from their loathsome dungeon. Their cloths, if rags deserve that denomination, actually perfumed the air. Some were without shirts, others had this article of dress, but of a quality as coarse as the worst packing cloth. I inquired of several if they could speak

English. They smiled, and gabbled, 'No Engly, no Engly,—one Engly talk ship.' The deck was filthy. The cooking, washing, and necessary department, were close together. Such is the mercenary barbarity of the Americans who are engaged in this trade, that they crammed into one of those vessels 500 passengers, 80 of whom died on the passage."

'This account is quoted with evident satisfaction, in the Quarterly Review, for May, 1819, and the reviewer adds from himself —"The infamous traffic is confined, exclusively to American vessels."

'I have thought it worth while to ascertain the facts of the case, and they are as follows:—The brig Bubona in question was a British vessel, from Sunderland, in England; she was British property, and navigated on British account; her crew was British, and her captain an *Englishman*, by the name of William Garterell. On arriving in the port of Philadelphia, he selected as his factors, the Messrs. Odlin and Co. merchants of that city, whom Fearon falsely represents as the owners of the vessel. The captain was not "tall," but about the middle size, or rather below it, and his countenance had an open, agreeable expression. What is more: of the vessels that entered the port of Philadelphia in the years 1816 and 1817, laden with redemptioners from the continent of Europe, the greater number was foreign; these amounted to ten, of which five were British in British employment; namely, the brig Bubona, above mentioned, the ship Zenophon, captain Goodwin; the brig Constantia, captain Janson; the brig William, captain Arrowsmith, and brig William, captain Danton.* The condition of the redemptioners on board the British vessels was no better than in the others of whatever nation engaged in the "infamous traffic."

'I derive these particulars from unquestionable sources,—the Mr. Woodbridge Odlin, who transacted the business of the Bubona, and Mr. Andrew Leinau, a respectable inhabitant of Philadelphia, who served as general agent for the foreign redemptioner ships, as they were styled, and who has in his hands official vouchers, which I have examined, of their respective national character, the number of their passengers, &c. It is known, moreover, that as soon as the abuses practised in the trade became notorious, the American Congress passed a law designed to prevent the recurrence of them, and remarkable for the humanity and efficaciousness of its precautions.

* The other foreign vessels (Prussian and Hanseatic) were, ship Vrow Cathrina, captain John Van Dyle; brig Bonifacias, captain Leitman; brig Concordia, captain Diedricksen; ship Vrow Elizabeth, captain Blankman, &c.

'If Fearon really visited the Bubona, which may be doubted, he, an Englishman, could not have mistaken her national character, nor that of the captain. This "tall American, with an eye flashing Algerine cruelty," is a phantasm manifestly intended to heighten the injurious effect of the whole malignant fiction. So the use of the present tense by the Quarterly Reviewers, in their unwarrantable assertion, argues the design of giving it to be understood, that the trade is still carried on by American vessels, with the same abuses as existed before the passage of the preventive law.' pp. xxvii.—xxix.

Now will any one say that it is unchristian, or undignified, or promotive of a bad spirit to make such a refutation of such a calumny? Do not the journals, which copy and retail this poor slander, this profligate circumstantial falsehood, do not public and formal compliments from such characters as Lord Grey, who tells you that the author of such fabrications is '*a gentleman*, whose book is full of the most valuable information, and is distinguished by the marks not only of an inquiry, observing and intelligent mind, but of the greatest *fairness* and impartiality,' do not these vouchers make it worth while to refute the calumnies, to which they give their sanction? To deny this, seems to us to be carrying the blessed doctrine of peace-making to a somewhat generous extent.

Having had occasion to allude to Lord Grey, and the generous patronage which he lavishes on a client, likely, we fear, in the end to do his lordship's discernment and knowledge of character but small credit, we add that his lordship, on an occasion when it most behoved him to be correct, has fallen into an error on the subject of the American political organization, which an English Peer of the first political reputation might have avoided, at least when descanting voluntarily on the topic. He evidently confounds the state politics of Pennsylvania, with the national politics of America; and applies the information which he derived from Fearon, relative to the intrigues at Harrisburgh, to show 'the operation of their [the Americans] laws, and of this boasted constitution.' This ignorance indeed is not without the countenance of good company. The Edinburgh reviewers tell us that 'they know (they really know) that the leaders of the democratic party, who now predominate in their *caucus*, or committee at Washington, do, in effect, nominate to all the important offices of North America!' Mr. Bentham, who

magnanimously proposed to reorganize our legal systems, and to write us a code of law, talks of 'the President of Congress;' a phraseology which was correct 40 years ago, before the formation of the constitution, and which now is as apt a designation, as 'king of the British Parliament' would be in England. Nay to afford, once for all, a broad ministerial precedent to any degree of ignorance, and grossness of blundering on the subject of America. Lord North, while sending out his fleets and armies to America, and unknitting the bands of the British empire, talks of *the Island of Virginia.*

The mistake, to which we have alluded of Lord Grey and the Edinburgh Review, viz. of confounding the national and state politics of America is, in fact, almost universal abroad. We have never yet seen any discussion of American affairs in Europe, or any attempt to speak definitely of the nature of our political constitutions, which evinced an accurate acquaintance with this fundamental part, this essential feature of our organization, the distinction and limitation of the national and state sovereignties respectively. The European writers, as far as we have had opportunities of informing ourselves, have invariably ascribed too much, either to the national sovereignty on one side, or the state sovereignty on the other. In attempting to compare our confederacy to the Grecian councils and leagues, or to the Germanic body, to none of which has it any further resemblance than the mere name Confederacy carries, they have undervalued that sovereign undivided power, which the people of America have deputed to the national government, in its executive, legislative, and judicial departments. As in the case just quoted of Mr. Bentham. they have not gotten beyond the idea of the old ante-constitutional confederacy. And it is such a confederacy of sovereign and independent states, which the Grecian and the German analogies, just alluded to, lead one to expect. With this idea of our union, the foreign critics and politicians stop; often enough, no doubt, finding countenance for their error, in the loose and fantastical notions of the limits of the national sovereignty, which abound in some parts even of our country. All the foreign civilians, whose judgments on this subject have come to our notice, and we lament to be obliged to add too many Americans to them, as partakers of the same gross misconception of the theory of our government, have spoken of the national

union as a confederacy of the several states; such it is not and was not meant to be, and the constitution opens with a formal refutation of this error. '*We*, THE PEOPLE OF THE UNITED STATES, do ordain and establish this constitution, for the United States of America.' It is with this express annunciation of the constitution, not as the act of the confederated states, but *of the people* of America, that the charter of our country opens; and the representation of each state by two members in the senate is the only feature in our political organization, on which to ground for a moment the idea of a compact between the states. It would lead us too far from our present purpose, to inquire into the consistency of such an equal senatorial representation, with the idea of an union, not of the states, but of the people. It is sufficient to say here, that had the union been an union of the states, and not of the people, then not only in the senate, but in the house of representatives, and in the choice of president, the small states should have had an equal voice with the large states, being equally sovereign and independent states; self-existent communities clothed, in every respect, with the same sovereign power. And as in the community, the poor man has a voice as well as the rich man, and the one is not disparaged by his indigence, nor the other advantaged by his wealth, but each placed on the same level, in the exercise and enjoyment of political privileges; so in a union of the states, *as states*, each of these separate and independent communities would have had an equal voice, in all the departments of government; and this of right. For Virginia or New York is not the more a sovereign and independent state for their millions, nor Rhode Island or Delaware the less a state, for their 60 or 70 thousands. That, therefore is, in no sense, a union of the states, in which the states wave all the privilege which they possess as states, and nothing is regarded but the rights of their inhabitants, as individual citizens of the American community. We have been at the more pains to explain this point, because the greatest danger, which our union has to fear, will spring from misconceptions on this head; and from an idea that as the union is a confederacy of the states, the state interests may be conceived of as separate from those of the union.

But with regard to the ignorance on American politics, which prevails abroad, we observed that those who do not

overrate the national sovereignty, are apt to run into the opposite error, and overrate the state sovereignty. This leads to important misconceptions and gross practical misrepresentations, as when in that outlaw article in the Quarterly Review, an affirmation is made of the judiciary of the United States, which is true only of the judiciaries of some of the single states of the country, viz. that the judges are chosen annually. The states, it is true, are sovereign and independent communities, within certain limits, and for certain purposes; principally those of interior and domestic arrangement and government, and for most of what the continental civilians call *administration*. Within this limit, they are sovereign. They have not a collateral, secondary, or initiative jurisdiction, not an advisory or intermediate one, but an original, ultimate, and exclusive jurisdiction, which they have a right to seal with the blood of any who contravenes it. But the same American people, which has constituted the respective state governments and clothed them with these powers, has constituted another national government, with powers not ultimate over the initiative powers of the state, and not deciding powers over consulting ones in the state. The national government is not by the side of the state governments, nor in their centre; nor yet is it subject to them, nor yet above them. It is different, separate, peculiar; constituted for objects, which it is no part of the business of the state governments to pursue, and void of power over those objects with which the state governments are entrusted. The national government, the majesty of this empire, the authority of Congress, the executive arm, with all the American fleets and armies at its disposal, is weak and motionless in respect to questions of state government. It cannot touch these questions; it cannot try to touch them. With respect to them, the national government does not exist. But in regard to the province of the national government, and on the questions whose decision is entrusted by the American people to that government, here on the other hand, the state sovereignties, in their turn, are weak, are motionless, are mute; they sink into the dust, they do not exist. They do not thus lose any power, for they never had any for these purposes. The same American people which constituted the state sovereignties, constituted the national sovereignty to effect objects, which they did not choose to confide to the states, in any form, or under any

qualification. This is the theory of our national and state governments. It is no metaphysical theory, no plan on paper, spun out of verbal criticism on the terms of the written constitution; but it is the theory, which every day is exemplifying by ten thousand examples, in our national and state governments, throughout the union. There is no perplexity in this delicate, this grand complication of high sovereign powers, over millions of men, thus curiously discriminated. Our lives and our property are safe, under the wing of the states; our foreign relations and national interests are administered without confusion of rival sovereignties, by the national government. The national government is relieved of the most oppressive and odious part of governing, the local, interior, and detailed administration. The states are spared that bitter cup of oppression, which comes down from the throne in all other countries, in the hands of prefects, governors, and judges, 'that know not Joseph,' and care not for the people, over which they are sent to rule. Now to think of comparing this beautiful organization of government with any thing, that has been carried into operation in ancient or modern Europe, is solemn trifling with the judgments of men. If we are asked what remedy we have, seeing that the state sovereignty and the national sovereignty, though not clothed with powers referring to each other, either as co-ordinate, subaltern, or ultimate, yet being both moral and political persons, and therefore liable to be brought into collision with each other, through the weakness of humanity, what remedy we have for a case like this, we reply, that we have the Supreme Court of the United States, to judge in all controversies between the states, or a state and the nation. If it be still inquired, what political check we have over the independence and impartiality of this court, in deciding such high national controversies, we answer, first in general the personal responsibility of the president created by the people, and likely therefore to look to their interests in the appointment of judges; and then for each particular case, the liability of the judges to be impeached before a body returning every six years, in three biennial classes, to the bosom of the people, that elected them. Of this theory of our government, which, if only as a beautiful work of art, if it were but another Eutopian romance, were richly worth the study of every one, who pretends to the name of a politician, of this theory

of our government, though in full practical, genuine, effective operation, we have never yet been able to convince ourselves that the statesmen of Europe, no, not those who are called to administer the greatest national and public interests, in relation to us, or in conjunction with us, have any thing more than some general and indefinite notions, such as the mere sound of the terms carries with them, without the least insight into the genius and real character of our institutions.

But to return to the topic which we were discussing, we are quite unable to comprehend why the duty of forbearance is to begin with us. At whatever point of our history you choose to begin, whether at the expulsion of the puritans from England, at the oppression of the early settlers, at the revolutionary war, or since the peace of 1814, English princes, ministers, and authors, have ever been the assailants, and we apprehend it to be quite fair that we should meet their charges. Let them, when we have done this, see to the duty of putting a stop to the war of recrimination. Moreover, England stands, or claims to stand, on the vantage-ground. She is the old, the powerful, the rich, the wise, and the polite combatant; and we, she will have it, are not only young, but weak, poor, ignorant, and barbarous. Is it then for us, who it seems have so little to lose, to acquiesce patiently in the plunder of that little? The duty of forbearance, of listening without reply, and of leaving it to calumny to refute itself, does *not* belong to us. It is not only lawful for us, but it is our bounden duty to repel it; and we should deserve the abuse which has been heaped upon us, were we so insensible to the value of national reputation as to leave it unrefuted, and, where occasion offers, unreturned. We therefore hold, that Mr. Walsh is not to be censured, even where he confines himself most exclusively to recrimination. Those who have found fault with this course appear to us to have mistaken the object for which America has been slandered, and the general train of the reasoning, with which Mr. Walsh has conducted, as we think with high ability and gratifying success, the cause of national defence. Our country is charged with this and that stain, vice, imperfection, and blot, not as if the charge were to rest there, and when we had been judged by the tribunal of the world's opinion, we were to be acquitted, or sentenced to a penalty, by which the old score would be wiped off, and we should start again in the world. The

calumnies heaped upon us are intended to lead to *an inference*, often to an immediate practical inference, viz. that this America is not a fit country to emigrate to, nor a safe place in which to venture your life, property, and your children's morals. And when no such specific and immediate consequence is drawn from the various direct and indirect, compendious and detailed attacks on us and our character, there is always intended the general inference that America, in consequence of these opprobrious premises, is an inferior, unworthy country, not fit to enter on equal terms, and with unblemished character, into the intercourse of the nations. Now if we can take a recognized example of a nation that stands, not only an equality, but, in her own opinion, on a high vantage-ground among the nations, and can match in her condition, character, or history, the very imperfections charged on us; still more, if this nation should happen to be the very one which has busied herself in vilifying us, then we have proved by her own confession, that even allowing the charges to be true, the disparaging consequence against us which she draws from them is unjust: then we have proved by her own confession, that we may be virtuous and free in despite of all which her travellers have found or invented, and her critics copied and reasoned to our discredit. We say that Mr. Walsh does not confine himself within the limits which this course of reasoning indicates; but if he did, he would be borne out by sound logic. Moreover, this course is the more compendious, since it makes it unnecessary to inquire whether the calumnious charges against us are true or not; a task, however, as we have already stated, which Mr. Walsh does not spare himself. His purpose in general is expressed in the following sentence from the preface.

'My purpose in this undertaking generally, is not merely to assert the merits of this calumniated country; I wish to repel actively, and, if possible, to arrest, the war which is waged without stint or intermission, upon our national reputation. This, it now appears to me, cannot be done without combating on the offensive; without making inroads into the quarters of the restless enemy.'

It would not be necessary, did our limits permit us, to follow Mr. Walsh through the whole of his work, or examine with what success each particular part of it is executed.

Having already passed through two editions in this country and one in England, it will be more than sufficient to offer our readers a brief analysis of the plan pursued, with a few remarks on one or two of the more prominent topics.

In a preface, intended not so much to serve as an introduction to the work as a sample of it, and to prepare the mind of the reader as well for the nature of the warfare which has been waged upon us, as for the manner in which Mr. Walsh repels it, a few striking, and we may add, unpardonable instances of British calumny are cited and commented upon. Of these we have already extracted what relates to one. The scandalous epilogue to a play of Terence, spoken at Westminster school, is another; a third discloses itself in the course taken by the opposition in parliament relative to the Seminole war and the conduct of Gen. Jackson; and a fourth is a most preposterous and quixotic assault which an honest gentleman of the name of Moore, member, ye must know, of the Royal College of Surgery, has seen fit to make on the literary, scientific, and moral character of the United States, in—'the history and practice of vaccination.' These are well chosen examples; for they show that it is not enough for vulgar itinerants, in the character of travellers, to calumniate us in their journals, nor for politicians to praise or vilify us, as may best serve them in the game of opposition they have to play: but that the public sentiment toward us must be poisoned in its first springs, the youthful mind, and in its most sacred reservoirs, the volumes of scientific and learned research.

The first section of Mr. Walsh's work dwells *on the political and mercantile jealousy* of Great Britain, and shows it to have been contemporaneous with the foundation of the first American settlements. Few, we fear, of this good-natured generation, who will have the duty of forgiving, and overlooking, and conciliating to come first from us, are aware how early this spirit began, and to what lengths it went. We are accustomed to hear with horror of the measures taken to prevent the instruction and education of negro slaves. What shall we say to the following chapter in our colonial history.

'From the same motive, printing presses were denied to the plantations. We are told by Chalmers, that "no printing press was allowed in Virginia;" that "in New England and New York there were assuredly none *permitted*," and that "the other

provinces probably were not more fortunate."* When Andros was appointed by James II captain-general of all the northern colonies, he was instructed "to allow of no printing press." In an official report of Sir William Berkeley, governor of Virginia, dated 20th June, 1671, there is the following characteristic passage:— "I thank God we have no free schools, nor any printing: and I hope we shall not have them these hundred years. For learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them and libels against the best government: God keep us from both." Accordingly every effort was made to shut out the pestilent tree of knowledge. On the appointment of Lord Effingham to the government of Virginia, in 1683, he was ordered, agreeably to the prayer of Sir William Berkeley, "to allow no person to use a printing press on any occasion whatever."'

The policy which dictated measures like these, went only to keep in ignorance and darkness that portion of America which had been opened and settled. It was another step in the same oriental spirit, which laid it down as a rule that the colonization was to be confined as much as possible to the coast, and the settlement of the interior as far as possible discouraged. That even this age in which we live is not too humane for an idea of the same kind, is fresh in the annals of the negotiations at Ghent, of which Sir James Mackintosh admirably says, 'more barbarous than the Norman tyrants, who afforested great tracts of arable land for their sport, ministers attempted to stipulate that a territory, quite as great as the British islands, should be doomed to an eternal desert. They laboured to prevent millions of freemen and christians from coming into existence. To perpetuate the English authority *in two provinces*, a large part of North America was to be forever a wilderness. The American negotiators, by their resistance to so insolent and extravagant a demand, maintained the common cause of civilized men.' Though it be possible to conceive of so hungry a spirit of political aggrandizement, that the British ministry should be willing to secure the Canadian provinces and obstruct the progress of the American power, by drawing this cordon of everlasting desolation along the western frontier; yet who could have been prepared for this benighted policy, when applied to check the growth of their own colonies, their own

* 'Political Annals of the United Colonies, chap. 15.'

children, their own fellow subjects? Who could have believed that, at the period when the British sovereignty was undisputed in America, and the name of Briton was jealously arrogated to himself by every American, as his title to glory, that even then it should be the assumed and fixed policy of the paternal councils of England, to keep the continent of America, as far as possible, in the savage state, in which they found it?

'To lessen the danger, or obviate new hazards, for her sovereignty and monopoly, England embraced the policy, of confining the settlements in North America as much as possible to the sea coast. The great points of preventing the French power from being immoveably established at their back, and over the whole vast interior; of securing the Atlantic provinces not only from this evil, but from their cruel scourge—the Indians; of opening the fruitful and beautiful countries beyond the Apalachian mountains to English cultivation and empire, were all postponed to views, of which it is difficult to say whether they were more selfish or short-sighted. The plan of a colony on the Ohio, for the salutary and noble purposes just enumerated, was conceived in America in the middle of the last century, submitted fruitlessly to the British government in 1768, and offered anew by Dr. Franklin, in 1770, with the engagement on the part of the projectors, to be at the whole expense of establishing and maintaining the civil administration of the country to be settled. A few extracts from the two Reports* of the Board of Trade and Plantations, on the subject, to the lords of the privy council, will explain the favourite system in relation to the plantations.

"The proposition of forming inland colonies in America is, we humbly conceive, entirely new: it adopts principles in respect to American settlements, different from what have hitherto been the policy of this kingdom, and leads to a system which, if pursued through all its consequences, is, in the present state of that country, of the greatest importance.

"And first with regard to the policy, we take leave to remind your lordships of that principle which was adopted by this Board, and approved and confirmed by his majesty, immediately after the treaty of Paris, viz. the confining the western extent of settlements to such a distance from the sea coast, as that those settlements should lie *within the reach of the trade and commerce of this kingdom*, upon which the strength and riches of it depend; and also of the exercise of that authority and jurisdiction, which

* 'Fourth vol. Franklin's Works, article Ohio Settlement.'

was conceived to be necessary for the preservation of the colonies, in a due subordination to, and dependence upon, the mother country; and these we apprehend to have *been two capital objects of his majesty's proclamation* of the 7th of October, 1763, by which his majesty declares it to be his royal will and pleasure, to reserve, under his sovereignty, protection, and dominion, for the *use* of the Indians, all the lands not included within the three new governments, the limits of which are described therein, as also all the lands and territories lying to the westward of the sources of the rivers which shall fall into the sea from the west and north-west, and by which all persons are forbid to make any purchases or settlements whatever, or to take possession of any of the lands above reserved, without special license for that purpose.

"The same principles of policy, in reference to settlements at so great a distance from the sea coast as to be out of the reach of all advantageous intercourse with this kingdom, continue to exist in their full force and spirit: and though various propositions for erecting new colonies in the interior parts of America have been, in consequence of this extension of the boundary line, submitted to the consideration of government, (particularly in that part of the country wherein are situated the lands now prayed for, with a view to that object,) yet the dangers and disadvantages of complying with such proposals have been so obvious, as to defeat every attempt made for carrying them into execution." ' pp. 15, 16.

The second section is entitled *the General Character and Merits of the Colonies*, and contains a proud enumeration of facts and testimonies, which do honour to the memory of our ancestors from the earliest emigration. We counsel those, who are fond of repeating the ribaldry about the descent of the Americans from convicts, to look over this chapter with some care. The pages devoted to a palliation of the religious intolerance, in Massachusetts, have a particular interest for us here, and we cannot forbear to offer our readers a part of what is said by Mr. Walsh, on the subject of the trials and executions for witchcraft.

'I would not hesitate to concede to the author of "the British empire in America," that "the great foible of the New England history is the story of the witches."* But this story has aspects widely different from that under which it is exhibited abroad. Belief in witchcraft was epidemic in the seventeenth century, and could not fail to extend to New England. The insulated situation of her inhabitants, one which presents them, to use their

* 'Preface.'

own graphic language, as "conflicting with many grievous difficulties and sufferings in the vast howling wilderness, among wild men and wild beasts,"* the austerity of their domestic habits, the solemnity of their religious feelings, the terrific dangers to which they were hourly exposed, their daily intercourse with the Indians, whose conversation was perpetually of demons and necromancers, the new maladies of body, resulting from a new and crude climate, the heart-sickening recollections of "the pleasant land of their nativity," of which the ravening brood of tyrants would almost be forgotten, as memory recalled its better features, with the enjoyments and ties of their youth, all these influences combined against the force of their reason, and contributed to render irresistible the contagion of the European superstition. The simple example of the mother country might account for their infatuation; and the extent, to which it is chargeable upon that example, may be understood, from the following passage of Hutchinson's History of Massachusetts. "Not many years before the delusion seized New England, Glanville published his witch stories in England; Perkins and other Nonconformists were earlier; but the great authority was that of Sir Matthew Hale, revered in New England, not only for his knowledge in the law, but for his gravity and piety. The trial of the witches in Suffolk was published in 1684. All these books were in New England, and the conformity between the behaviour of Goodwin's children and most of the supposed bewitched at Salem, and the behaviour of those in England, is so exact as to leave no room to doubt the stories had been read by the New England persons themselves, or had been told to them by others who had read them. Indeed, this conformity, instead of giving suspicion, was urged in confirmation of the truth of both; the Old England demons and the New being so much alike. The court justified themselves from books of law, and the authorities of Keble, Dalton, and other lawyers, then of the first character, who laid down rules of conviction as absurd and dangerous as any which were practised in New England."†

'All ranks in Scotland and England concurred in raising a complete demonocracy for those countries, throughout the seventeenth century. Lord Kaimes asserts, in his Sketches of the History of Man, that during the civil wars every one belived in magic, charms, spells, sorcery, and witchcraft. An incident related by Evelyn, for which no parallel is to be found in American history, shows the temper of the times, in England. "29th March, 1652 —was that celebrated eclipse of the sun, so much threatened by

* 'Petition of the General Court of Massachusetts to the king. (1680.)'
† 'Vol. ii. chap. i.'

the astrologers, and which had so exceedingly alarmed the whole nation, that hardly any one would work or stir out of their houses, so ridiculously were they abused by knavish and ignorant star-gazers." The Long parliament, alias, "the great reformation parliament," issued several commissions "to discover and prosecute witches," and upon those commissions were many unfortunate persons, of both sexes, tried and executed. We should not forget the testimony of Hume, with respect to the state of Scotland, at the period in question. "The fanaticism which prevailed, acquired, besides the malignants and engagers, a new object of abhorrence. These were the sorcerers. So prevalent was the opinion of witchcraft, that great numbers, accused of that crime, were burnt by sentence of the magistrates, through all parts of Scotland. In a village near Berwick, which contained only fourteen houses, fourteen persons were punished by fire, and it became a science every where much studied and cultivated, to distinguish a true witch by proper trials and symptoms."*

For thirty years after the settlement of Massachusetts, while victims were daily sacrificed by fire and the rope, in Great Britain, none suffered for witchcraft in that colony. Hutchinson asserts truly, that "more were put to death in a single county of England for that cause, than suffered in New England from the planting until his time, in 1760."† The phrenzy endured in America but seven months; whereas it may be said to have continued, with little or no abatement, in the mother country, in Scotland particularly, for a long series of years. If Cotton Mather partook of the wretched delusion, he was at least as excusable as Sir Matthew Hale; and we may doubt whether there was any learned judge of New England, cotemporary with chief justice Blackstone, who would have gravely summed up the evidence respecting the reality of witchcraft, and as gravely decided it to be "most eligible to conclude, that, in general, such a thing as witchcraft had been."‡ North America, of the eighteenth century, can furnish no counterpart for the story of the Cocklane ghost. Hutchinson has, on this subject, some observations in addition to those I have quoted from him, which ought not to be withheld. "The trial of Richard Hatheway, the impostor, before lord chief justice Holt, was ten or twelve years after of the trials in New England. This was a great discouragement to prosecutions in England for witchcraft, but an effectual stop was not put to them until the act of parliament in the reign of his late majesty,

* 'Chapter 59.' † 'Hist. of Mass. vol. ii. chap. i.'

‡ 'Commentaries, b. iv. c. iv. "Witchcraft or sorcery is a truth to which every nation in the world, hath, in its turn, borne testimony, by either examples seemingly well attested, or prohibitory laws, which at least suppose the possibility of a commerce with evil spirits."

George II. Even this did not wholly cure the common people, and we hear of old women ducked and cruelly murdered within these last twenty years. Reproach, then, for hanging witches, although it has been often cast upon the people of New England by those of Old, yet it must have been done with an ill grace."' pp. 52—55.

The third section treats *of the difficulties surmounted by the Colonists,* and proves how vain and false as well as injurious, was the querulous language held toward them from an early period, as if they had enjoyed an unusual measure of aid and protection from the parent government. We cannot withhold the following specimen of the protection and aid vouchsafed them.

'The courageous loyalty of Virginia, although acknowledged and applauded on the restoration, turned still less to her advantage than the republicanism of New England. A scheme of restriction and a train of measures, more prejudicial and galling than those of Cromwell, were pursued by Charles II and his successor, towards those who boasted with truth, "that they were the last of the King's subjects who renounced, and the first who resumed their allegiance." "With the restoration," says Chalmers, "began a series of evils which long afflicted, and well nigh ruined the plantation of Virginia." One of these evils was, the distribution among certain favourite adherents of Charles II in England, of a large portion of the soil, including cultivated estates, held by every right which could vest indefeasible property. "Virginia," says the writer whom I have just quoted, "beheld the Northern Neck, containing one half of the whole, given away to strangers, who had shared neither the danger nor expenses of the original settlement."*

A spoliation no less iniquitous was attempted, and partly accomplished by Andros, in 1688, in New England. There, on the lawless abolition of all the charters, a declaration followed, that the titles of the colonists to their lands had become void in consequence. By this monstrous fiction of tyranny, the oldest proprietors were summoned to take out, at a heavy cost, new patents for estates acquired by purchase from the Indians; possessed for near sixty years; defended against the inroads of a barbarous enemy, at the hazard of life, and improved with incessant toil and immense expense. Hutchinson remarks,† that according to the computation then made, all the personal estate of Massachusetts would not have paid the charge of the new patents required in

* 'Annals, ch. iv.' † 'Vol. i. c. iii.'

that colony. A scheme of despotism and rapine so exorbitant, could not be long prosecuted with a people that had made such sacrifices for freedom, and had lost nothing of their pristine fervor. It was quickly terminated by the popular insurrection at Boston, already noticed, which deposed all its abettors, and extinguished the government of James in New England. What is called the rebellion of Bacon, in the annals of Virginia, sprung from grievances of equal injustice, and wanted, I am inclined to think, nothing but ultimate success, to make it, in the estimation of all, equally noble with the bold and characteristic movement of Massachusetts.* p. 78.

The fourth section relates *the Military efforts of the Colonies*, and the ungrateful return made by Great Britain, and yields perhaps in interest to no portion of the volume. Mr. Walsh has here collected, with great diligence, very curious details relative to the military expeditions, in which the colonies took a part, and to the manner in which their services were acknowledged by the mother country. By way of recapitulation, at the end of the section, are given some highly interesting extracts from a speech in parliament of David Hartley in 1775. We regret that we can make but one quotation from his remarks.

'"Whenever Great Britain has declared war, they have taken their part. They were engaged in king William's wars, and queen Anne's, even in their infancy. They conquered Acadia in the last century, for us; and we then gave it up. Again, in queen Anne's war, they conquered Nova Scotia, which, from that time, has always belonged to Great Britain. They have been engaged in more than one expedition to Canada, ever foremost to partake of honour and danger with the mother country.

"Well, Sir, what have we done for them? Have we conquered the country for them from the Indians? Have we cleared it? Have we drained it? Have we made it habitable? What have we done for them? I believe, precisely nothing at all, but just keeping watch and ward over their trade, that they should receive nothing but from ourselves, at our own price. I will not positively say that we have spent nothing; though I don't recollect any such article upon our journals: but I mean any material expense in setting them out as colonists. The royal military government of Nova Scotia cost, indeed, not a little sum; above $500,000 for its plantation, and its first years. Had your other

* 'This opinion is fully sustained by Burk's narrative of Bacon's rebellion.—See vol. ii. ch. iv. History of Virginia.'

colonies cost any thing similar either in their outset or support, there would have been something to say on that side; but, instead of that, they have been left to themselves for one hundred or one hundred and fifty years, upon the fortune and capital of private adventurers, to encounter every difficulty and danger. What towns have we built for them? What desert have we cleared? What country have we conquered for them from the Indians? Name the officers—name the troops—the expeditions—their dates. Where are they to be found? Not in the journals of this kingdom. They are no where to be found.

"In all the wars which have been common to us and them, they have taken their full share. But in all their own dangers, in the difficulties belonging separately to their situation, in all the Indian wars which did not immediately concern us, we left them to themselves to struggle their way through.—For the whim of a minister, you can bestow half a million to build a town, and to plant a royal colony of Nova Scotia; a greater sum than you have bestowed upon every other colony together.

"And notwithstanding all these, which are the real facts, now that they have struggled through their difficulties, and begin to hold up their heads, and to show that empire which promises to be the foremost in the world, we claim them and theirs, as implicitly belonging to us, without any consideration of their own rights. We charge them with ingratitude, without the least regard to truth, just as if this kingdom had, for a century and a half, attended to no other object; as if all our revenue, all our power, all our thought had been bestowed upon them, and all our national debt had been contracted in the Indian wars of America; totally forgetting the subordination in commerce and manufactures, in which we have bound them, and for which, at least, we owe them help towards their protection."' pp. 138, 139.

The fifth section is upon the *Commercial obligations of Great Britain* to America, and gives an imposing view of the nourishment, which the commerce and manufactures of England have, from the earliest period, derived from her connexion with this country; a view the less obnoxious to exception as being founded on numerical statements and results. One is surprised to observe how early the beneficial operation of this connexion began. No later than 1665, Sir Josiah Child thus writes.

'"England has constantly improved in people, since our settlement upon the plantations in America. We are very great gainers by the direct trade of New with Old England. Our yearly

exportations of English manufactures, malt and other goods from hence thither, amounting in my opinion, to ten times the value of what is imported from thence, which calculation I do not make at random, but upon mature consideration, and peradventure upon as much experience in this trade, as any other person will pretend to."'*

That what was thus true, at the earliest period of our colonial history, continued to be so during the interval that elapsed before the revolutionary war, there is abundant evidence contained in the statements, which the debates on that war drew out in the English parliament, particularly from Lord Chatham and Mr. Burke; and that the benefits reaped by Great Britain from her intercourse with us, since our independence, have, instead of decreasing, been augmented in an almost unimagined ratio in consequence of that separation, "at least as injurious to America as to England," may be admitted on the following unsuspicious authority.

'A distinguished member of the British parliament, Mr. Alexander Baring, examined fully in 1808, with the advantages of practical knowledge and much general commercial learning, the question of her increased utility, and pronounced that, upon the whole, she had, in her independent situation, to a greater degree than could have been expected from any other, been the means of augmenting the British resources, in the war with the continental powers—that she contributed in the highest degree possible, all the benefits which one nation could derive from the existence of another, or that a mother country could receive from that of the best regulated colony.† The same inquirer ascertained, that three-fourths of the money proceeding from the consumption of the produce of the soil of America, in all parts of the world, were paid to Great Britain for her manufactures. He developed other benefits, the reality of which did not admit of dispute, and found it unpardonable "that his countrymen should entertain a jealousy of the prosperity and wealth American independence had produced, which not only served to circulate the produce of their industry, where they could not carry it themselves, but by increasing the means of America, augmented in the same proportion her consumption of that produce, at a time when the loss of their former customers, by the persecutions of France, rendered it most valuable."' p. 162.

* 'Discourse on Trade, chap. x.'
† 'Examination of the Orders in Council, &c.'

These sentiments do honour to the distinguished person, who expressed them. In return, we are fully willing to own, that this connexion between England and America, which has been so profitable to her, has been equally so to us. Had it not been so to us, it could not of course have continued and increased. Nothing but our own unexampled prosperity, of which the trade with England has certainly not been one of the least of the immediate causes, could have enabled us to pay to that country the tribute of such an enormous commerce of consumption. Our own commercial operations have of course been constantly facilitated and extended by the credit obtained of the English merchant and manufacturer, and the intercourse of the nations has been, as we would ever have it, highly advantageous to both.

An account is given in the sixth section of *the relative dispositions of Great Britain and America*, from the peace of 1763. In this section the sentiments felt and avowed and the measures proposed and attempted, in that heyday of British madness, the period which immediately preceded our revolution and the period of the revolution itself, are passed in brief review. The character of the British ministry, at the breaking out of the war, is thus portrayed by a pencil, that carries with it equal authority and power.

'Lord Chatham, in concluding the defence of his plan of Conciliation at the sitting of the Lords of the 1st February, 1775, apostrophized the ministers of the day thus:

"Yet when I consider the whole case as it lies before me, I am not much astonished; I am not surprised that men who hate liberty should detest those that prize it; or that those who want virtue themselves, should endeavour to persecute those who possess it. Were I disposed to carry this theme to the extent that truth would fully bear me out in, I could demonstrate that the whole of your political conduct has been one continued series of weakness, temerity, despotism, ignorance, futility, negligence, blundering, and the most notorious servility, incapacity, and corruption. On reconsideration, I must allow you one merit, a strict attention to your own interests; in that view, you appear sound statesmen and able politicians. You well know if the present measure (of reconciliation with the colonies) should prevail, that you must instantly lose your places. I doubt much whether you will be able to keep them on any terms: but sure I am, that such are your well known characters and abilities, any plan of reconciliation, however moderate, wise, and feasible, must fail in your

hands. Such, then, being your precarious situation, who can wonder that you should put a negative on any measure which must annihilate your power, deprive you of your emoluments, and at once reduce you to that state of insignificance, for which God and nature designed you."' pp. 181, 182.

Mr. Walsh produces some authority for believing, if indeed the proposition required any authority, that the sentiments of those in England, who espoused the cause of pacification at the end of the war, did no great credit to their generosity. Nor is there wanting testimony from the most competent English sources, that the exasperations of the original dismemberment have existed in Great Britain to the present day.

The seventh and eighth sections of Mr. Walsh's work treat of *the hostilities of the British reviews.* This is one of the most fruitful topics in the controversy, and one that might furnish the most ample occasion to our own remarks, did our limits permit. We are not without hopes of being able to offer our readers some remarks on several of the subjects discussed in these sections, on a future occasion. It would be impossible to give our readers an adequate idea of the contents of these sections, by any process short of a minute analysis. We would therefore refer them directly to the sections themselves, as in a high degree curious and instructive.

On one point, of very favourite recurrence in the English journals, viz. the state of the English language in America, we beg leave to trouble the reader, with the fruit of our own poor speculations. If there be any one fact, which forces itself upon the observation of an American in travelling in England, it is this, that in *every* part of the interior of that country, the language is far worse spoken, than in *any* part of America. We speak now of the illiterate and poorly educated portion of the community, in each country; and we submit it fearlessly to any person, who has had the means of making the comparison, and is at all qualified to do it, whether one might not rather suppose that America were the native country of the language, and England a remote colony, exposed to all the chances of corruption, so villanously is the language spoken in all the provinces of the latter country, so wholly distorted in a score of rustic jargons, that do not deserve the name of dialects. What, for instance, shall be said of English, of a sort like the following.

'Away I sleenged; to Grandy meade my mean;
My Grandy (God be wud her now she's geane)
Skilfu' the gushen bluid wi' cockwebs staid,
Then on the sair a healen plaister laid.
The healen plaister eased the painfal sair,
The arr indeed remains, but neathing mair.'

Specimens of the Cumberland dialect at the end of West's Guide to the Lakes.

Now this, so far from being an exaggerated specimen, is, we assure our readers, quite softened down and polished from the jargon, actually heard in Cumberland or Westmoreland. And in what benighted corner of America, on what savage frontier, where civilized and barbarous life are shaded into each other, will you meet with English so corrupt, as that which is spoken by the peasantry in Somersetshire or Yorkshire? But it will be perhaps insinuated, that it is of the language of books, the language of the educated part of the community, that English critics mean to speak, when they assert the degeneracy of the language in America. Here, too, an equal injustice is done us. In the first place, it might, without any stretch of charity, be taken for granted, that the language is spoken in America as in England, because we reprint ten English books to one original American one, and however corrupt the latter might be, it could not be supposed that the small alloy, thus thrown into the language, would materially debase the whole mass of pure English, kept constantly current, by the unlimited circulation of English books. Our ancestors were, a great portion of them, well educated men, and must have brought with them the language, as it existed in England among the educated classes in their day. Since their emigration, a period of one or two hundred years, the English language has been going through a constant series of changes, among all who speak it. That every one of these changes, which may have taken place in England, should have found its way across the Atlantic since the active tide of emigration has ceased to flow, and been incorporated into the original stock of the language as our fathers brought it with them, is not to be expected. And that any of the changes, which time may have made in the language among us, from the operation of the same causes, and in the lapse of the same period, should find their way to England, and be knowingly owned by our brethren there, no one could flatter himself would ever happen. But that every innovation,

which has taken place since the time of Shakspeare or of Milton in the English language, in England, should be recognized as of authority, and every change, which has taken place in the language in America, in the same interval, should be stigmatized as a corruption, we see no good reason in philology or common sense; it appears to us mere arrogant pedantry. A very faithful collection of supposed Americanisms has been given to the public, in the Vocabulary of Mr Pickering. We have examined that work carefully, and find that a considerable portion of the pretended Americanisms are unjustly so called, being English words used in English acceptations. Another considerable portion are provincial words, brought no doubt from the provinces by the emigrants. A small portion are English words, in new senses, and a still smaller new words. Now we challenge any critic, who shall still maintain the corruption of the English language in America, to assume whatever standard he may choose of the English, the standard of dictionaries, or of good writers, or of good company; and whatever standard be taken, we engage to detect in English writers of respectable standing, and in respectable English society, more provincialisms, more good words in false acceptations, and more newly coined words, than can be found in an equal number of American writers, or in American society, of the same relative respectability. We think we should begin such a comparison with the number of the Edinburgh Review for March, 1817, which fomerly fell into our hands, while these ideas were occurring to us. For in the *first article* of that number we fell upon forty-six words not authorized by the standards of our language. The English language corrupted in America! What are the Columbiads, or Webster's Dictionaries, or any other name of American innovation, compared with the lucubrations of Jeremy Bentham! We cannot here forbear to present our readers with a passage from a *jeu d'esprit*, which has fallen in our way, under the name of 'Report of Resolutions to be proposed in the House of Representatives.' These proposed resolutions are intended to return the compliment paid to us by the Marquis of Lansdowne, in the session of 1819, in moving for an inquiry into the conduct of Gen. Jackson. In order to show that we are as willing to aid our brethren, in the British Parliament, in inquiring into their affairs, as they to aid our representatives, in inquiring into ours, these proposed resolutions go

over most of the points in the British policy and condition, which appear to us here to need a little revision. That, to which we now allude, is as follows:

'Whereas the House of Representatives, in common with the people of America, is justly proud of its admirable native tongue, and regards this most expressive and energetic language as one of the best of its birth-rights, Resolved that the House acknowledge with gratitude the zeal, which several respectable writers and critics in England have shown for the preservation of the purity of the language in America; and, although these writers and critics, misled by the reports of illiterate English travellers, whose breeding and education confined them to the society of the more ignorant part of our community, have indiscriminately stigmatized as Americanisms, words, which may be vulgarisms, or individual or provincial peculiarities, but are in no way adopted at large, by the well educated people of America; and although the aforesaid critics and writers, being but imperfectly read in the early English writers, the great masters and standards of the language, have also denounced as Americanisms certain other words, such as *to progress, to advocate, &c.* which be, nevertheless, words of approved use and authority in the Augustan age of English literature; nevertheless, the House is grateful to these writers and critics, for their kind efforts abovementioned, and particularly for the *amiable spirit* and *courteous tone,* in which they have been made: and whereas the House of Representatives of the United States of America will ever feel it a duty to watch, with jealousy, over the preservation of the English tongue, in its original purity, and it is a matter of great interest to the House and to the American people, that their native language should not degenerate in the parent state, and it would afflict the American people to find their brethren in England gradually contracting the habit of a mixed and barbarous jargon, therefore resolved, that the House of Representatives of the United States of America regard with unfeigned sorrow the continued prevalence of five or six languages or dialects, within the narrow compass of the British isles, as a circumstance which menaces, at no remote period, the radical corruption of the English tongue; that it is a matter of high astonishment to the House, that no measures have been employed to exterminate the native dialects of the Celtic, still spoken in Cornwall, in Wales, in Ireland, in the Isle of Man, and in Scotland, with the corrupt French in the isles of Jersey and Guernsey; dialects mutually different from each other, and from the English, and which cannot continue to be spoken, without disastrous consequences to the English language and literature; that the

House, moreover, looks with still greater anxiety on the utterly corrupt and barbarous state, to which the English language has already sunk, in most of the counties of England, to the degree that the various dialects which prevail, such as those in Yorkshire, Somersetshire, and Cumberland, at the same time that they are in themselves utterly uncouth and hideous, are unintelligible to any one, but a person born and educated in these counties respectively; and though the House views with more respect the lowland dialect of Scotland, as having been ennobled by the writings of some admirable original authors, particularly in the last and present centuries, yet the House still trembles at the deleterious effect, which this very ennobling of a subordinate and provincial dialect may have on the pure English tongue, and regards it as a symptom of the approaching degeneracy of that tongue, that writings in said provincial dialect are eagerly sought and familiarly read; that the House farther regards, as still more pernicious either than the prevalence of the Cornish, Welsh, Erse, Mankish, or Gaelic, or of the provincial corruptions of the English, that barbarity which from various causes is fast creeping into the language of the highest and best educated classes of society in England, a corruption which, in some respects, the House thinks to have been much promoted by the leading critical journals of the day; an affectation, at one time, of forgotten old words, and at another of pedantic new ones, each equally unauthorized in a pure and chaste style of writing and of speaking; the perpetual recurrence of the plural number, instead of the singular, as *charities*, *sympathies*, *tendencies*, *&c.* a phraseology, which tends in a high degree to weaken a language, by leading writers and speakers to place that emphasis in the grammatical plurality, which ought to reside in the term itself; an unwise attempt to ennoble such words as *clever*, *you know*, *vastly*, *&c.* which are pardonable only in colloquial use, and unworthy the dignity of grave and sustained discourse; an adoption by noblemen, gentlemen, and clergymen, of the terms of horse-jockeys, boxers, and shooters, to the degree, that a great number of vulgar and cant terms are heard in what are called the best circles, which the House has reason to apprehend are often the worst, in which the human blood, drawn by the clenched fist of a ruffian, is unrighteously called "claret," and shooting two dozen of birds, "bagging 12 pair of cocks;" lastly, an alarming prevalence of profane and obscene language, in the highest and best bred circles, which, though liable to high moral objections, the House is willing to regard here merely as another agent of brutalizing the English tongue, and which, though it is unhappily a vice too common in all countries, the House has unquestioned information, prevails in

England to an unparalleled and odious extent, reaching into the societies which consider themselves the most polite and best bred. In view of these facts, Resolved, that the House of Representatives of the United States of America is apprehensive, that the genuine purity of the English tongue is already fatally assailed, and is threatened with being wholly destroyed at no remote period: that the possibility of such an event is to be considered by the American people as a just ground of national alarm and apprehension, and that it is their duty to provide, if it may be, against its occurrence: and inasmuch as the circumstances, that this country was at first in general settled by Englishmen of good education, by aggrieved gentlemen and ejected clergymen, and has continued to this day, remarkably free from all those classes of men, which most corrupt a language, such as an accumulation of miners, manufacturers, and beggars, and is blessed, to an extent elsewhere unknown, with the means of popular education, so much so, that in more than one of the American states, it is supposed that there is not a native citizen unable to read and write; inasmuch as from these and other circumstances easy to be deduced from the previous enumeration of some of the causes of the corruption of the language in England, the English language has been preserved in a state of admirable purity, in the United States of America, a purity so great, that in the most remote and unfavoured portions of our country, the popular dialect is far purer than in some counties in the heart of England, while the style of speaking and writing is, by the blessing of God, quite untainted with most of the above mentioned vulgarities prevalent in the high English circles, and but partially infected with any of them: Resolved, therefore, farther, in consideration of these premises, that the nobility and gentry of England be courteously invited to send their elder sons, and such others as may be destined to appear as public speakers in church or state, to America, for their education; that the president of the United States be requested to concert measures with the presidents and heads of our colleges and schools, for the prompt reception and gratuitous instruction of such young persons, and to furnish them, after the expiration of a term of ——— years, certificates of their proficiency in the English tongue.' pp. 12—15.

We look upon the above as a fair piece of good natured insolence, quite excusable in the way of retaliation, and fraught, moreover, with a very large portion of truth. But we must hasten to the last great topic of Mr. Walsh's work.

It is well known that one of the most severe attacks, ever made against this country in a respectable quarter, is

the one contained in an article in the LXI number of the Edinburgh Review, to which article and its supposed author, we alluded at the beginning of our remarks. A few facts will show with what justice America is reproached by England, on the score of negro slavery. 1. This disastrous institution was set up in the colonies, under English laws, and for the benefit of English traders. This of course needs no proof. 2. The colonies became early dissatisfied with the existence of negro slavery among them, and made various attempts to prohibit its further introduction by law, attempts uniformly defeated by the British governors acting under express instructions of the English ministry. There are many flagrant instances of this, in the history of several of the colonies, but the following will give our readers, in the shortest compass, the best idea of the state of this part of the controversy.

'In 1772, most of the duties previously imposed [on the importation of slaves into Virginia] were reenacted, and the Assembly transmitted, at the same time, a petition to the throne, which speaks almost all that could be desired for the confusion of our slanderers. Judge Tucker has made the following extract from it, in his Appendix to the 1st vol. pt. 2, of Blackstone:

"We are encouraged to look up to the throne, and implore your majesty's paternal assistance in averting a calamity of a most alarming nature.

"The importation of slaves into the colonies from the coast of Africa *hath long been considered as a trade of great inhumanity, and under its present encouragement,* we have too much reason to fear, will endanger the very existence of your majesty's American dominions.

"We are sensible that some of your majesty's subjects of Great Britain may reap emoluments from this sort of traffic, but when we consider that it greatly retards the settlement of the colonies, with more *useful inhabitants,* and may in time have the most destructive influence, we presume to hope, that the *interest of a few* will be disregarded when placed in competition with the security and happiness of such numbers of your majesty's dutiful and loyal subjects.

"Deeply impressed with these sentiments, we most humbly beseech your majesty to *remove all those restraints on your majesty's governors of this colony,* which inhibit their assenting to such laws as might check so very pernicious a commerce."

'The petition proved unavailing. In the first clause of the independent constitution of Virginia, "the inhuman use of the

royal negative" in this matter is enumerated among the reasons of the separation from the mother country. Mr. Burke, as we have seen in one of the quotations which I have made from his speech on the conciliation with America, recognized her "refusal to deal any more in the inhuman traffic of the negro slaves, as one of the causes of her quarrel with Great Britain." I must claim permission to connect here with the petition, a statement subjoined to it, by Judge Tucker, which shows that it did not cost the British government a moment's deliberation to sacrifice "the security and happiness of such numbers of his majesty's dutiful and loyal subjects," to "the interest of the few" in England. I have lately been favoured with the perusal of a manuscript copy of a letter from Granville Sharp, Esq. of London, to a friend of the prime minister, dated March 25, 1794, in which he speaks of the petition thus: "I myself was desired, by a letter from America, to inquire for an answer to this *extraordinary* Virginia petition. I waited on the Secretary of State, and was informed by himself that the petition *was received*, but that (he apprehended) *no answer would be given*." ' pp. 316, 317.

3. Twenty, nay, thirty years, before the abolition of the trade in slaves by England, it was abolished by law in many of the American states, and eighteen years before the English abolition, provision was made in the constitution of the United States for its abolition throughout America, which provision was carried into effect in 1808, the limit prescribed by the constitution. We place but little value on a slender priority of this kind. The only true comparison would be of shame, which nation forbore longest. But, in point of fact, England is neither the first nor the second nation, which interdicted this trade. For, besides what we have already asserted of the separate American states, and the provisions in the constitution of the United States, it was abolished by Denmark in 1792, by a law to take effect in 1803. 4. As far as the reproach of holding slaves goes, England is at this moment as deeply involved in it as America; her colonies being all stocked with them, the fruits of their labours regularly sent home to Old England, and their treatment no better, if as good, as in America.

All reproach, therefore, thrown upon us by Englishmen for the toleration of this evil, especially if connected with any complacency on the score of their own supposed comparative purity, is blind arrogance, which will not take counsel of common sense. It would give us heart-felt pleasure to be able

to stop here; to be able to say, that the evil of slavery was brought on us from a foreign quarter; has been continued among us from the necessity of the case, and the impossibility of being rid of it; and that we have seized every opportunity of arresting its progress, and preparing the way for its gradual extirpation. Till the present session of Congress, we could have said all this with truth. The important measures, which have passed that body, by a bare majority, a majority organized in a manner to throw the responsibility on several of the members personally, and not on their constituents, deprive us of some of the consolations, with which we have hitherto been accustomed to support this stain on our character. Up to this moment, the blame was not, could not fairly be thought ours. We did no more than tolerate the slavery where we found it, and in communities, whose circumstances seemed to render its exclusion impossible. An unanimous vote of the representatives of the slave-holding states, aided by a few votes from the free states, deprives us hereafter of our right to this alleviating reflection. When one looks over the list of the gentlemen who have been willing to take upon themselves to propagate slavery throughout the interior of America, and when one listens to the arguments, with which they justify the measure, it is impossible not to feel deference for many most respectable names on that list, or to deny that some of their arguments are plausible. These concessions, however, are surely no more than will be reciprocated by our southern brethren, who cannot refuse to do justice to the weight of character, as well as of argument, by which this restriction was maintained. If, then, these admissions balance each other, and considerations of policy, right, and constitutionality are allowed to be so equally weighed against each other, that an honest man may hold himself undecided on that score, then we say that the cause itself should have pleaded with a crying voice in its own favour, and that every American should have felt an impulse within him to resist the progress of slavery, which would have revolted at the very name of spreading it through the valley of the Missouri. Had the people of America felt this impulse, the main arguments against the restriction would have lost their force. From the territory herself, which prays to be admitted to the Union, there would have been no voice invoking the idea of the unimpaired sovereignty of a state. The South

would not have pleaded for the right of furnishing a slave-market with her surplus increase; and none would have sifted the constitution, for the sake of proving the want of power to do that, which all had at heart to do. So that, without denying the justice of any one of the arguments adduced by the enemies of the restriction, we are still authorized to say, that had a due abhorrence of the institution prevailed at Congress, that humane measure would not have been defeated. To maintain that Missouri does claim, and has a right to claim, to hold slaves, and that an ascertained majority of Congress is disposed to sustain her in that claim, is precisely the reproach on our national character, which we would first have wiped off. If Congress could not forbid the progress of slavery, the greater the reproach; and if the constitution itself has no check over its unlimited diffusion through the country, the deeper the shame, and the more disastrous the imperfection.

We have left ourselves no room to say any thing of the literary execution of Mr. Walsh's work. He is not a writer for the first time before the public, nor likely, therefore, to be much the wiser for our criticisms, did we make them. We think his style would gain force by greater simplicity in the structure of his sentences, and by abstaining from the use of learned and unusual words, such as *adumbrate*, *prophylactic*, and *paralogy*. For the rest, we have to tender him our thanks, not only for the gratification, but for the instruction he has afforded us. We shall never think the British much in earnest in deriding us, while they bestow the honours of knighthood on their naval captains for such inglorious victories as that of the Shannon over the Chesapeake; nor be much afflicted, though they be in earnest, provided their calumnies produce us many more such volumes as this.

ART. XIX.—1. *Notizia sul celebre scultore Canova, e sulle sue opere. Nel Giornale Enciclopedico di Napoli, Aprile,* 1807. ——*An account of the celebrated sculptor Canova, and of his works. In the Giornale Enciclopedico of Naples, for April,* 1807.

2. *Opere di scultura e di plastica di Antonio Canova, descritte da Isabella Albrizzi, Nata Teotochi.* Firenze, 1809, 12mo. ——*The works in marble and plaister of Antonio Canova, described by* [*the Countess*] *Isabella Albrizzi.*

THE increasing interest, which is felt among us in the character and merits of this distinguished sculptor, particularly since his execution of a statue of Washington for the capital of North Carolina, has induced us to offer our readers the following account of him. We are indebted for the principal part of it to the journal mentioned at the head of the article; into which again it was extracted from the *Rœmische Studien* of Fernow, a German work, which we have not had an opportunity of seeing.

The art of sculpture had so much declined in Italy among the pupils of Bernini, toward the middle of the eighteenth century, and had confined itself so exclusively to filling the churches with saints, apostles, and mausoleums, and these executed in so bad a taste, that for a space of twenty years preceding Canova, there did not appear at Rome a single specimen of sculpture worth mentioning. Cavaceppi, the only sculptor in this period that enjoyed any reputation, confined himself almost exclusively to restoring ancient statues in the museums of Rome, and in the collection which he formed himself, for the purposes of trade. Winckelmann at length revived among the great of Italy, as well as of foreign countries, the taste for the beautiful models of antiquity. The wretched productions of the day began to be despised, the works that made their appearance from the Academy of St. Luke were no better esteemed, and the blind enthusiasm for Bernini, which had reigned almost a century, appeared at length as cold and languid, as the works that had inspired it. The chefs-d'œuvre of antiquity, restored to their proper estimation by Mengs and Winckelmann, began to purify the public taste of the absurd notions that had corrupted it. The monument of Benedict XIV, by Bracci, is the last effort of the miserable taste which had devoted itself to

this species of sculpture, in that period of decline which preceded the modern revival.

This overthrow of the dominion of a bad taste was a favourable preparation for a new and purer school. A happy genius was wanted to take advantage of this predisposition, and Canova appeared at the moment, when the public taste was prepared to welcome and admire him.

After the death of Trippel, who acquired notoriety as a sculptor at Rome, at about the same time as Canova, this latter occupied without a rival the first place in the art. Trippel died in 1793, after having constantly struggled against the obstacles opposed to him by fortune. The correctness of his taste, formed in the school of antiquity, justified the highest hopes of his eventual success. His death was a loss to the art, for, though Canova might have stood in no need of a rival to keep up his own activity, Trippel would at least have done no injury to that reputation to which Canova established his claim, and without detriment to the latter, would have enriched the age with his productions.

After the first two years, in which Canova, by a great number of admirable works, had established his reputation, not only in Italy, but in foreign countries, an artist from Copenhagen, Thorwaldsen, ventured into the same career of glory, and announced himself by a work, which secured the attention and the wonder, not only of all the connoisseurs, but of the first artist of the day. His Jason will always be a work of first rate reputation. And though the fame of Canova may not have been eclipsed by that of Thorwaldsen and of the other artists, whose talents and activity were called into action by Canova's example, they have at least aspired with no inconsiderable success to share with him the palm of the art.

During the period that Canova remained without competitors, his admirers placed him in the rank of the first artists as well of ancient as modern times. And if the works of this sculptor, by a sweetness and charm peculiar to themselves, gained, in a certain manner, upon the affections of those who saw them, the amiable character of their author contributed not less to confirm these partial feelings. Posterity perhaps will judge more severely of these productions, and the very applause that has been lavished on them may awaken the severity of criticism. Several of the master

pieces of Canova have been placed by connoisseurs, who affect great sagacity, upon a level with the chefs-d'œuvre of antiquity. His Perseus has been even compared favourably with the Apollo Belvidere, and thought to have rendered not irreparable the loss of that statue to the museum of the Vatican while detained at Paris. The artist himself seemed to encourage this comparison, for when his Perseus was first exposed to exhibition, a bronze copy of the Apollo was seen near it. For several years the group of *Hercules and Lichas* by Canova was exhibited by the side of the reposing Hercules of Glycon. In fact, if the simplicity and freedom of pretention of this artist were not well known, one might think unfavourably of the encouraging of such comparisons, and ascribe that to an undue vanity, which was doubtless done for the gratification of connoisseurs.

The Pope confirmed the applause lavished on the *Perseus* and the *Gladiators*, by purchasing them for the *Museo Pio-Clementino*, which fills the galleries of the Vatican, and in which hitherto nothing had been admitted but the master pieces of antiquity. The Perseus was there placed on the vacant stand of the Apollo. In a decree of the Pope at the same time, entrusting Canova with the care of the relics and monuments of ancient art in the ecclesiastical state, he is called the rival of Phidias and Praxiteles. Such an apotheosis is without example in the case of any modern sculptor, and without reckoning the titles of Chevalier and Marquis successively bestowed on him by the holy father, Canova has enjoyed the highest honours ever accorded to an artist.

We do not undertake to decide whether he will sustain this high place in the estimation of posterity. An equal fame with his is already claimed for Thorwaldsen, by many of the transalpine connoisseurs, and in England one often hears even Chantry put before Canova. That the latter can ever be allowed to stand on a level with those illustrious inventors of antiquity, of whose works his own are but imitations more or less successful, may without much hardihood be called in question.

Antonio Canova was born in 1757 at Possagno, a village in the Venetian state, near Trevigi, and discovered a taste for sculpture at a very early period. At the age of 12, he produced a lion *in butter* for the table of Signor Falieri, the lord of the village. This little fact shows that even at this early age the

lion was his favourite, and helps to explain the success with which he afterwards executed this animal. It is certain that his chisel has produced nothing in that way superior to the lions, which watch at the base of the monument of Clement XIII in the Vatican. This lion in butter caught the attention of the patron of our young artist, who put him in a condition to pursue the career in which he was destined to travel with such glory. At the age of 14 he was placed under an indifferent artist at Bassano. He was here employed for several years in acquiring the command of the chisel and learning to model; but his genius waited for a happier call to unfold itself. At the age of 17, having finished his apprenticeship, he produced an Eurydice of middle size in marble: before this he was sent to *the academy of the fine arts* at Venice, where his talents met with good models, and competent guides to direct him in following them. He gained several prizes at the academy, and the works which he produced up to the age of 23, during which time he was at Venice, began to gain him a reputation and to encourage hopes that have been more than fulfilled. These works are a group of *Apollo and Daphne*, *the bust* of the doge Paul Renieri, an *Esculapius*, an *Orpheus* intended to match the Eurydice executed at Bassano, a figure in clay ten palms high intended as an exercise in grand forms, and a *Young Hercules* strangling the serpents. These works were all intended as prize efforts. He afterwards produced a statue of Michael Poleni of natural size for the city of Padua, and finished his group of Dedalus and Icarus in Carrara marble at the age of 21. There is in the *atteher* of Canova at Rome a cast in plaister of this group. Dedalus is represented as an old man, presenting in his features all the marks of an advanced age, but with an unpleasant effect. Icarus forms a direct contrast with this figure, and is represented as looking with an insipid and affectionate expression at his father, who is fixing on his wings. This work, now in the possession of the Chevalier Pisani, scarcely indicates the talents of the artist. It produced the artist, nevertheless, a recompense equally honourable to himself and to the magistrates who decreed it. The senate of Venice granted him a pension of 300 ducats a year, and sent him to Rome. Thither he went in the suit of the ambassador Zuliani, who was sent to Rome at the close of the year 1779.

Canova devoted himself with much zeal to the study of the antique in the first years of his residence at Rome. He executed for his illustrious protector Rezzonico the *Apollo crowning himself with laurel.* This is a statue of moderate merit, but not without an impress of the *beau ideale,* and indicating the transition of the artist from a servile imitation of nature to a selection of her beauties.

The group of *Theseus sitting on the Minotaur* which he has slain, and which has been beautifully engraved by Morghen, is the first work which gained Canova a notoriety at Rome. It was executed in 1783 in Carrara marble, and though the conception of it contains nothing remarkable, the work unites so much variety of excellence as to deserve a place among the most celebrated of the artists.

The celebrated French archaiologist Quatremere de Quincy was at that time at Rome, and encouraged Canova, who was hesitating what path he should take, in the continued study of the ancients. Fortunately for the final success of the artist his views coincided with those of his friend, and he determined to aim at emulating the masters of antiquity; and to form his manner from a union of their severity and simplicity, with a sweetness and tenderness of expression peculiar to himself.

A happy opportunity soon presented itself to him for gaining a reputation of independence and originality. He was entrusted with the execution of the monument erected to the memory of Clement XIV, in the church of *the Apostles.* The artist here found an open field where he was at liberty to follow the guidance of his genius. The monumental sculpture in the churches for a century preceding, had formed itself a peculiar and barbarous style, wholly remote from the pure models of antiquity. The monument of Benedict XIV, in St. Peter's, was the last specimen of this manner. This of Clement XIV, entrusted to Canova, was destined to begin a new era. In the execution of it the artist had to wrestle with all the obstacles presented by his inexperience and the attempt of originality, and though inferior to the riper productions of his chisel, is infinitely superior to every thing which had been executed in the preceding *ecclesiastical* manner. It is placed over the entrance of the sacristy, the real door of the sacristy forming a part of the monument as an intended representation of the portal of a sepulchre. It is in the form of a

pyramidical group. *Moderation* and *Gentleness* weep over the Sarcophagus of the Pope, who sits in the usual dress, and bestows his benediction.

In the course of the execution of this work, Canova improved himself visibly, and began to conceive with more distinctness the character of the style he was to form for himself. He had already modelled in clay the group of Cupid and Psyche, and was commissioned by an Englishman to execute it in marble. The wars in Italy prevented its being transported to England, and it passed into the possession of Murat. There is perhaps more skill than genuine beauty in the execution of this work. The idea of it is borrowed from a picture preserved from Herculaneum, in which a fawn caresses a reclining nymph. It is a subject more suitable to the pencil than the chisel; the intertwining of the arms and the position of the head are ill adapted to the marble, nor is there any possible point of view in which the expression of the two faces can be seen at once.

Canova has the art in the polish which he gives his works, to produce in the spectator an impression corresponding with the tenderness, which reigns in his subjects. He imparts to the marble the appearance of a soft waxy substance, and when it has received the last polish with the pumice stone, he employs an oily mordent to diminish the dazzling splendor of the whiteness, and produce a colour bordering on yellow. Connoisseurs, who seek in a statue beautiful forms executed with the greatest possible purity, are not pleased with a mechanical accessory of this kind. But it adds highly to the gratification of the amateur, who is more ready to yield to his enthusiasm, and to judge of the merit of a work, by the gratification which it affords him.—A similar process was made use of by the ancient artists, as may be seen in a beautiful Amazon described by Mr. Quatremere de Quincy, in a memoir on this subject, read to a class of the institute.

The works executed by Canova after his Cupid and Psyche, are the portrait of the young prince *Czartorisky* and a *Venus and Adonis*. The young prince is represented under the character of Cupid, armed with his bows and arrows. There is a great deal of sweet and amiable expression in this figure, though not wholly without awkwardness in the attitude. The same defects may be traced in two copies made of it and sent respectively to Ireland and to England. The

Venus and Adonis is known only from the description of Quatremere de Quincy and from the model. The work in marble was destroyed by the artist himself, as of a character inclining to the licentious.

Shortly after these works, Canova was commissioned by the prince Rezzonico, to take charge of the monument to be erected by his family to Pope Clement XIII. Within the immense walls of St. Peter, where every thing swells out of common proportions, it is impossible for a monument to secure the attention of the spectator, unless it assume itself these colossal forms.—This of Clement XIII, which was completed in 1792, is wholly in unison with the grandeur of the edifice which it was meant to adorn, and distinguishes itself immediately among all the others in the church, which are executed in the *ecclesiastical* style. On the right of the Sarcophagus a majestic figure of Religion stands erect, holding the cross with her right hand, and her left resting on the tumulus. Her head is adorned with a gilded crown in rays. On the left of the Sarcophagus reclines a Genius, under the form of a youth, with an inverted torch. He rests on the sepulchral urn, and looks upward with a languid expression. On the two sides of the medallion, upon the Sarcophagus, is the inscription, CLEMENTI XIII REZZONICO P. M. FRATRIS FILII. Two *Virtues* seated with averted backs are seen in *relievo: Goodness* with her hands crossed on the breast, and *Hope* with a crown in her right hand and an anchor near. Behind the Sarcophagus is the Pope, in his pontifical habits, kneeling on a cushion. The height of the figure of the Pope is seventeen feet. Beneath the figures of Religion and the Genius, are the lions to which we have already alluded. The whole monument betrays the hand of a master, and notwithstanding several defects, is worthy of his reputation.

After this, Canova produced a *Cupid standing, winged;* a copy of his group of *Cupid and Psyche* with some changes in the dress, for a Russian princess; a *Venus and Adonis*, a monument of the Chevalier *Emo*, and *Psyche* holding a butterfly in her fingers. His works from this time multiply to such a degree, that he is able himself to do nothing more than put the finishing hand to them. And having made himself perfectly familiar with antiquity, by the reading for which he has nevertheless found leisure, whatever deviations his works contain from ancient mythology, history, or art,

are to be ascribed to his own taste, and not to want of information. The Venus and Adonis is an imitation of the antique in the Vatican, and is in the possession of the Marquis Berio at Naples. The mausoleum of the Chevalier Emo was executed by order of the republic of Venice. Upon a tablet of marble, which represents the waves of the sea, is seen a sloop of war, of the kind invented by the Chevalier Emo, in his expedition against Algiers. The bust of this admiral is placed on a column three feet high, at the base of which the muse of history inscribes the name of Emo, in letters of gold. The Genius of Fame crowns the bust with laurels. This statue was, in the autumn of 1818, lying in cases on the floor of the armory at Venice, having been removed from the spot where it was originally placed. The figure of Psyche holding the butterfly is executed with infinite grace. The idea of it was perhaps suggested by the ancient statue of a child holding a bird, from which Chantry also probably borrowed the same conception, in the portrait of a child of which the model is in his *attelier*. The Psyche of Canova belonged, in 1806, to the count Mangili of Venice.

Hitherto Canova had made scarce any attempts in *relievo*. He determined at length to try his skill, in this department of the art; and in the year 1803 were to be seen, in his workshop, sixteen specimens of *basso relievo*, on the history of Socrates, and upon Homeric and other subjects. The best of these works represents the city of Padua; but he is thought, in all of them, to have come far short of that excellence, which marks the efforts of Thorwaldsen in the department of *bas reliefs*.

Among the very best of the works of Canova is the *penitent Magdalen*, praying on her knees, with a cross of two reeds held horizontally in her hands, with tears starting from her eyes, and a living expression of penitence and grief. It belonged originally to M. Duveyrier of Paris, who was attached to the French service in Italy in 1797, but has since passed into the possession of M. Sommariva.

Of a character wholly different from the Magdalen is the *Hebe*, who is represented dancing on a cloud, and pouring out the nectar for the gods. Her figure is marked with all the freshness of youth, is bare to the girdle, and thence downward clothed with a drapery, in which alone the artist has not been perfectly successful. It belongs to the Marquis Albrizzi in Venice.

Let us now consider Canova in another class of subjects. The *furious Hercules precipitating Lichas* into the sea was the subject of his choice. The principal figure exceeds in size even the Farnese Hercules. The subject is truly tragical, and is executed with wonderful power. The manner in which the hero grasps Lichas by the hair of his head and his foot, holding him thus inverted in the air, while the wretched victim clings in vain with his hands to a rock is perhaps out of nature. It is also objected to the principal figure, that it is too narrow across the hips, and that the poisoned vest is too light and insignificant. This imposing group once belonged to the duke of Miranda in Naples, but has passed into the possession of the banker Torlonia, the duke of Bracciano, at Rome.

The *two Gladiators*, Kreugas and Damoxenos, a subject from Pausanias, is another work in the same grand style. There is a want of nobility both in the countenances and forms of the combatants, and the expression of brute strength is too little relieved by that of courage and heroism. The gentlemen of *the fancy* too find fault with the attitudes, as contrary to the rules of boxing; a fault to be excused in consideration of the want in Rome of an establishment like Fives' court in London. Notwithstanding the defects in this work, it is considered the happiest effort of Canova in the heroic style; and forms a part of the collection in the Vatican.

Another *Cupid and Psyche*, formerly in possession of Murat, is one of the most beautiful works of Canova. His Palamedes, a statue produced about the same time with the Gladiators and intended as a counterpart of the Perseus, met with a singular fate. It was overthrown and broken by the Tiber, which penetrated into the *attelier* of the artist, in the inundation of 1805.

In the years 1796 and 1797, was executed by Canova the model for the monument of the archduchess Christina of Austria, the wife of Albert, duke of Saxe Teschen. This monument was set up, in 1805, in the chapel of the church of the Augustines at Vienna; where also is the tomb of Leopold II, by Zauner. This remarkable work, besides the usual parts of a monument, contains two groups constituting a funeral train. The one group consists of *Virtue*, with two children, carrying torches, approaching to enter the door of the tomb, with backs turned to the spectator. The other

group, at a greater distance on the right, represents *Benevolence*, under the form of a young woman, supporting a blind old man, who is led by a girl of about six years, with hands joined and a drooping head. Notwithstanding the exceptions taken to the idea of this work, and the incongruity found by severe critics, in the introduction of a theatrical procession of figures into a work in marble, it is nevertheless a production of infinite beauty and effect in its details, unquestionably superior to every monumental work of the same class, and the proof of a brilliant epoch in the history of the art.

In 1797, Canova executed the model of a statue of the king of Naples in the dress of a Roman warrior, and the statue was completed in 1803; it is in marble and is one of his most beautiful works. In the winter of 1818—19, he was employed on the model of a colossal equestrian statue of the king of Naples, which has since, we believe, been cast in bronze.

In 1798 and 1799, Canova accompanied the prince Rezzouinco on a journey to Prussia and Germany. On his return he passed some time in Venice, occupied in designing an altar for the church of his native village Passagno, where we have understood he has since ordered the erection of a church at his own expense, and on a pure doric model.

The first work exhibited, after his return to Rome, was the Perseus, to which we have already alluded. This is one of the chief works of Canova, and contributed more, perhaps, than any other, to obtain him, in the public estimation, the palm of the art. It represents Perseus stepping forward with the head of Medusa, held by the hair in his left hand, and a sword in the right. Without entering into the discussions of the connoisseurs upon the subject of this statue, it is objected to it, that it is but a parody or copy of the Apollo Belvidere, and that the position is unnatural, and even one, which it would be physically impossible for a living man to stand in. The principal details of the work and the mechanical skill are thought among the happiest efforts of Canova's chisel. A *Mars, the pacificator*, intended as a *pendant* to the Perseus, was exhibited in clay by the artist in 1802. It was an unsuccessful effort, and never executed in marble.

In 1802, Canova was called to Paris by Napoleon, for the purpose of executing his statue. It appears to have been the design of the artist to present in the head the *ideal* of a hero,

but the body is not of corresponding dignity and beauty. It is fifteen palms high, including the base: the body inclines forward on the right leg; and in the right hand is a globe with the goddess of victory. The left arm is bent and supported by a lance, over and behind the arm hangs a mantle, and, with this exception, the statue is perfectly naked. It is said of this statue by the critics, 'that it is very large, without expressing the idea of grandeur;' or, to retain the play of words, 'questa statua è molto *grande*, senza che abbia alcun' aria di *grandezza*.' The article on Canova in the *Biographie des hommes vivans*, a work, which our thorough dislike for the spirit in which it is compiled, prevents our ever resorting to, but when urged by the want of the facts it contains, and even they must be received with caution, thus speaks of this statue:

'This work was intended to be placed in the gallery of antiques in the Louvre, but Bonaparte, seeing himself represented in a manner too like nature, betrayed his dissatisfaction at an image of his person so like himself, and yet so void of nobleness, and forbade the exhibition of it to the public. It remained in the museum for a long time, concealed behind a veil. In 1814, at the period of the restoration, it appeared for a moment, but was remanded to the magazines, which it is not destined to leave.'

We apprehend the nudity of this statue, a quality just tolerated in antiques, and by no means admissible in a contemporary portrait, to have been the true reason of its concealment. This statue of Napoleon is to be distinguished from that which stood on the top of the column in the place Vendôme, which was attempted to be pulled down by the mob, by means of a rope round the neck, on the occupation of Paris by the allies, and which was afterwards taken down, under the protection of a *corps* of Russian soldiers. The white flag of the Bourbons now occupies its place, at the top of this beautiful column. Our Italian, or rather Swedish, authority [M. Fernow, the author of the *Rœmische Studien*, is a Swede] relates that while Canova was at work on the statue of Bonaparte, Pope Pius VII made a visit to the *attelier* of the artist. After the workmen, agreeably to usage, had been admitted, and had kissed the feet of his holiness, the Pope passed into another apartment, where stood the model of the statue of Bonaparte. Canova pointed to a block of marble of immense size, and without a spot, adding that it was designed to furnish the statues both of his holiness and the French emperor.

'Pius VII,' adds our author, 'evinced a singular joy, at understanding that his likeness was to be cut from the same block, with that of the hero whom he had consecrated.' We apprehend that whoever has seen the model of the statue of Bonaparte, which was the last winter, and probably is now, in the workshop of Canova, will feel strong doubts of a block of marble ever having been transported to Rome, large enough for that statue and another besides of the Pope. For the rest, at the period when this valuable anecdote was recorded (1806) it was no doubt a popular doctrine in the ecclesiastical state, that its temporal and spiritual head was on good terms with the French emperor. But should our poor labours find their way, at this time of day, to the eyes of any of the faithful subjects of the Pope, they will feel as little gratitude to us for repeating this anecdote, as they do to the Abbè Grégoire, for having translated and reprinted a christmas homily of his holiness, then the citizen Cardinal Chiaramonti, preached in 1797, in which, according to Grégoire's translation, the venerable Cardinal, now Pope, exclaims, 'Yes, my dear brethren, be ye all christians, and you will be excellent democrats.'

Among the numerous works executed by Canova, since this period, one of the most celebrated is his Venus, originally made to replace the Venus de' Medici in the Florence gallery. It is now preserved in the palace Pitti, the residence of the Grand Duke of Tuscany, and a copy of it, formerly belonging to Lucien Bonaparte, is in the possession of the Marquis of Lansdowne, at London.

The statue of the Princess Borghese, the sister of Bonaparte, is preserved in the Borghese palace at Rome, but not permitted to be seen by the public. It is half naked, seated on a couch, the head reclining on one hand, with the apple, adjudged of old by Paris, in the other.

Theseus overcoming a Centaur may be considered as serving as a *pendant* to the group of Hercules and Lichas, and is thought superior to it. It has the defect of the latter group, of portraying a subject rather horrible than sublime, and it is with effort that the eye rests upon the agonized struggles of the semi-human sufferer. Among the more recent productions of Canova, the *Dancers* and the *Nymph reclining* while Cupid plays the lyre are the most celebrated. There is something of the affectation and coquetry of a French opera dancer, in the air of one or two of the first statues, a want of the inno-

cence and simplicity which breathe in those models of the antique which are devoted to the same subject. The group of the Nymph and Cupid is pleasing, particularly the attitude of the latter, whose whole soul seems absorbed in the music of his little instrument. A copy of this group has been lately made for the present king of England, George IV.

In 1815, Canova was deputed by the Pope to superintend the removal from Paris of the works and monuments of art, that had been brought thither from the ecclesiastical state. The Paris wits remarked, that instead of the title of *ambassadeur*, he should have borne that of *emballeur*. He received commission, on this occasion, to make a statue of the Emperor Alexander, to decorate the palace of the senate at St. Petersburg. Shortly after, he visited London, and was presented by the then Prince Regent, with a diamond snuff-box. His feelings of admiration, on viewing the Elgin marbles, almost the only authentic monuments of his great master Phidias, which he had seen, are expressed in a letter to M. Visconti, prefixed to a memoir on the subject of these marbles, by that celebrated antiquarian. Canova had been applied to, some time before, by Lord Elgin, to restore these mutilated, but precious relics of antiquity; but very properly declined an undertaking, in which success would have been so difficult to attain, and so little likely to be appreciated. It would surely have been neither for the interest nor credit of Canova, to employ his time and risk his reputation, in restoring legs, arms, and noses, even to the statues of Phidias.

On his return to Rome, Canova was received with great distinction. The academy of St. Luke went out to meet him in a body, and his holiness, in an audience granted him Jan. 5, 1816, condescended to present him, with his own hand, the certificate of his enrolment on the book of the capitol. Nor has the apostolical bounty stopped here, for with the title of *Marquis of Ischia*, a pension of 3000 dollars was conferred on the artist. This, we understand, with a liberality worthy his great fame, he appropriates to the encouragement of the art, and the aid of poor artists.

The elder masters often united in themselves several branches of the art. Phidias was at once the master of architecture, and sculpture. Michael Angelo was sculptor, painter, and architect. We have one statue in a church of Rome, said to have been modelled by Raphael; and Berni-

ni used the pencil perhaps as well as the chisel. Canova too has painted a few pictures. It has commonly happened that the pictures of sculptors have been defective in colouring, but correct though hard in the drawing. Canova's pictures, on the other hand, are faint and powerless in composition, but possess the beautiful and natural tints of the Venetian School; giving another confirmation to the remark, that it is perhaps some quality in the air and climate, which is the ultimate source of the excellence of that school in this respect.

As nothing is uninteresting, which concerns men like Canova, it may be added, that in his person he is not above the middling stature, active in his movements, very industrious in his habits, highly amiable in his temper, and courteous in his manners. The opinion was expressed at Rome, at the time that he was employed on the statue of Washington, that the upper part of his face was not unlike that of the General.

With respect to this statue, the only work of Canova, as far as we are aware, which our country can boast, if indeed it have already reached Raleigh, we can speak only of the model in clay. The likeness is certainly not strong, and the artist complained of the want of materials to deduce it from; a circumstance the more to be regretted, as no countenance is better ascertained than Washington's, and if materials were not put into his hands, it could not be because they do not exist. We apprehend, moreover, that the costume of the statue will not suite the American taste. Gen. Washington is represented sitting, with a tablet supported by his left hand, on which he is about to write the constitution of America with a style, which he holds in his right. Though thus occupied as a civil legislator, he is clad in the Roman military dress with the brazen cuirass, half of the thigh, the knees, and legs bare, and military sandals. It seems to us that this dress is in itself unbecoming, besides being inconsistent with the legislative or civil occupation represented. The only costume that we can imagine less becoming than the ancient military dress, is the modern military dress, the hussar boots, faced coat, and hair clubbed up with pomatum, in which we understand Mr. Chantry will dress Gen. Washington in the statue designed for Boston, according to the theory of the English school, which enjoins the closest possible imitation of nature, and adherence to historical truth. Neither of these principles is just in the art. Nature is to be imitat-

ed, only in her noble, select, and pleasing parts, and historical truth adhered to no farther than it adds to the beauty, grandeur, and charm of the work; provided that the deviation be not such as to shock our judgments. Look at the statue of the Queen before St. Paul's, in her hoop and toupet. We would have had Gen. Washington's statue in the true classical dress, the ancient civil senatorial robe, call it Roman or Greek, alike removed from the indelicate bareness of the Roman armour, and the fantastical cuts and folds of our modern tailoring.

The work of Madame Albrizzi, at the head of this article, is, as she informs us in the preface, but a preliminary volume, intended to have been followed by another, with the engraved designs of the works of Canova, and an account of his life. We have never seen this continuation, and are inclined to think that the little volume before us is all that has appeared. It contains a brief account of the principal statues and works in relief of Canova, rather in the way of encomium than description, and animated not less by a personal friendship for the artist, than by the merit of his works. Madame Albrizzi is herself in possession of a beautiful bust of Helen, the gift as well as the work of Canova.

ART. XX.—1. *The late fever in Boston.* New England Medical Journal, Oct. 1819.

2. *Case of the ship Ten Brothers; being the report of a committee of the Board of Health, unanimously accepted, and published by order of the Board.* Boston, 1819.

3. *A statement of the occurrences during a malignant yellow fever in the city of New York, in the summer and autumnal months of* 1819. New York, 1819.

4. *Observations on the epidemic of* 1819, *as it prevailed in a part of the city of Baltimore. By David M. Reese, M. D.* Baltimore, 1819.

THE cities of the United States have exhibited a curious spectacle during the last year. In most of our principal towns, a malignant and fatal disease, long known as the *yellow fever*, has prevailed to a greater or less extent; at the same time that in the greatest part of them a rigid system of quarantine has been put in execution in each, to prevent

the importation of the same disease from the others. Philadelphia, forgetful of her reputation for kindness and hospitality, with a few cases within her own borders, carried the system of exclusion so far, as to prohibit all intercourse with her neighbour, Baltimore, refused a shelter to those who were seeking a refuge from the disease, and denied admittance, or even liberty to pass through, to all who had visited any part of that city.

New York, at a time when her citizens, struck with terror, were fleeing in every direction from before the face of the disease, when her stores were shut by hundreds, and all business suspended in consequence of it, and when her courts of justice were closed, or removed to other places, for fear of it, ordered a long quarantine upon vessels which arrived from Boston, where scarcely a shop was shut in consequence of the fever, and the regular course of business was not interrupted. And because a gentleman from Boston, after spending seventeen days at the quarantine ground of New York, in preference to remaining longer under the guardianship of her health officers, chose to return to the place which was the source of their fears, he was advertized at New York, and a reward offered for his apprehension, as though he had been a felon. American ships from England were brought to, opposite the lazaretto of New York, and obliged to submit to visits of officers fresh from the exposure to the disease, lest peradventure they had brought the plague from Liverpool. Even New Orleans partook of the general terror and ordered a quarantine, lest the yellow fever should be imported from Boston.

At the same time Boston was equally engaged in enforcing the same precautions towards her sister cities. Her health officers were not prevented, by the prevalence of the fever in its most fatal forms, in a small part of the town, and occasional cases of it in almost all the other parts, from yielding to the dread of importing it from abroad, but applied to the southern cities the same system of quarantine, which some of them had enforced against us.

Thus each city has been looking abroad for the sources of her evils, and dreading their approach, when they were already within her own walls, obstinately defending one little outpost, while the whole citadel was in the hands of the enemy. Such a state of things is a reproach to the community which

supports it. It shows most clearly, either that the present system of quarantine is entirely inefficient, as a protection against the contagion of yellow fever, or that the disease is domestic in its origin, and does not depend upon contagion for its propagation. Whichever part of the alternative is preferred, it is evident that a great and radical change is necessary in our measures of defence against the attacks of this disease, before they can be entitled to our confidence. It were vain to trust to slight modifications or partial amendments of a system, which is still so imperfect, after the experience of centuries has endeavoured, with so little success, to render it complete.

The question, whether the yellow fever is or is not a contagious disease, has produced too much excitement among the advocates for the doctrine of contagion, to receive a dispassionate and impartial examination. They seem to regard it as a reproach to a country to suppose it capable of originating so foul a disease. Their patriotism is therefore engaged to find it some origin, foreign to their own country. Hence, the disease is traced, or rather supposed to be traced, from city to city, and from country to country; the writers in each denying that it belongs to them, until some place can be found, which has no friend to defend it from the imputation. This consideration, childish as it is in itself, has in America unquestionably had much effect in preventing a fair investigation of the true character of the disease; not indeed so much in the profession, which is the best qualified to judge correctly on the subject, but among those who have no medical knowledge, and who unfortunately have the entire control of all measures relative to the public health. We are told with much confidence and zeal, that it is a libel on our country to suppose it capable of generating yellow fever; and the feelings of self-interest of those, the value of whose property may be affected by a belief of its domestic origin, aid in giving effect to the assertion; until passion and prejudice are made the arbiters of this great question. Yet no good reason can be given why the disease should not be produced, as well in this as in any other country. If, as is generally supposed, it owes its origin to the effects of putrefaction, the temperature of our climate, in its highest state, which is the only time the disease prevails, is sufficient for a very active putrefactive fermentation; and no one can doubt that there are in all our cities abundant supplies of materials for putrefaction to act upon.

Several of the most distinguished of the more recent supporters of the doctrine of contagion regard the yellow fever, as it has prevailed during the last twenty-eight years, as a new disease, essentially different from that which previously bore the same name; the former they contend is contagious, and spread only by communication from one individual to another; the latter, they allow has no such property. Dr. Chisholm, who takes the lead in this opinion, says, 'the yellow remitting fever is almost universally allowed not to be contagious.' But he asserts, and he has published two volumes to prove it, that a new and contagious yellow fever was generated in the island of Bulam, on the coast of Africa, and imported into Grenada, in the ship Hankey, in the spring of 1793; and from thence has since been carried to different parts of the world. Sir James Fellowes, Dr. Pym, and others, have adopted the general opinions of Dr. Chisholm, but without agreeing with him in limiting the time of its origin to 1793. Indeed Dr. Pym, although he adopts from Dr. Chisholm the name of *Bulam fever*, labours to prove its existence for centuries as a distinct disease; and Sir J. Fellowes acknowledges that the yellow fever at Charleston in 1748 was the same disease as that, which prevailed in Spain from 1800 to 1813.

With all these gentlemen, the doctrine of the contagion of yellow fever rests upon establishing a distinctive difference of character between the Bulam, or pestilential fever, and the bilious remittent of former times. Yet it does not appear that the phenomena of the two diseases (if they are to be regarded as two) are materially unlike each other, except perhaps in the severity of the symptoms, and the consequent fatality of the result. In the milder cases it is acknowledged by Dr. Pym that it is impossible to distinguish them; and in more severe cases it is evident, that not only the same symptoms, but the same combination of symptoms appear, sometimes, at least, in both. Indeed this very similarity has been taken advantage of to prove the existence of contagion, or rather, for the purpose of evading the proof that the disease exists without it. When it has been decidedly shown in regard to some particular epidemic of yellow fever, that it possessed no contagious properties, the inference is avoided in reference to the general question, by assuming gratuitously that the disease was only a remittent, and not the true yellow

or pestilential fever. In this manner Dr. Pym takes it for granted, that the fever, which prevailed in Philadelphia in 1793, was the true Bulam, and therefore of course contagious, and that of the subsequent years a common remittent, and not contagious; although Dr. Rush and his contemporaries in Philadelphia, with all their experience and observation, had not the sagacity to discover any peculiarities of appearance, which should excite so much as a suspicion, that the disease of the different periods was not identical.

This circumstance were alone sufficient to show that the supposed two diseases are in fact one. It is perfectly absurd to suppose that there are two diseases with characters so diametrically opposite, that one is propagated only by contagion, while the other possesses no contagious property whatever, and yet with phenomena so similar as to render them incapable of being distinguished from each other, by the most accurate and experienced observers. But this circumstance does not stand alone; the two forms of disease are every where blended together, and run promiscuously into each other. Cases on record are frequent, in which a fever, which in the beginning was a mild remittent, has terminated with all the peculiarities ascribed to the Bulam; and on the other hand, in which a violent Bulam fever has relaxed into a gentle remittent. We are therefore warranted in considering this disease as possessing the same general character in all its forms and degrees of severity. If it is contagious in one place, it is so in another; and proofs that it is not extended by contagion are fairly applicable to all places where the disease has prevailed.

We are not however limited to the milder forms of the disease, for proof that it is not contagious. Abundant evidence of this may be found in the circumstances of its progress in its most malignant state. But before we go into the examination of this evidence, we must stop and inquire more exactly what we are to understand by contagion.

The term *contagion* has often been loosely used, to express any circumstance by which a disease may be communicated, whether it arise from contact with persons affected by that disease, or from any other cause. By many persons every epidemic is regarded as of course contagious, and among the community at large every disease which is catching, as it is called, is supposed to be derived from contagion. This,

however, is not the meaning which properly belongs to the word, nor is it the sense in which it is taken by the writers on either side, in reference to the question in dispute. Properly speaking, contagion is a property of disease, produced only by the disease itself, by which the same specific disease is communicated from a sick to a well person, either by direct contact or near approach, or by the transmission of matter which emanates from the disease. Hence a disease which is the effect of contagion has always the property of communicating itself to other persons, provided the same circumstances exist, as those in which it was itself produced.

There are two causes to which the prevalence of yellow fever is attributed. One is local in its origin, proceeding from exhalations from peculiar kinds of earth, or from the decomposition of organized matter; the other is of a more general nature, being a communication of the disease from one individual to another. Both these causes have in common language been called contagion; but it is to the latter only that the term properly belongs.

In order to prove that either of these is the true cause of the disease, it is obviously necessary to show that the disease is produced by it under circumstances, which preclude all possibility of the operation of the other. This is a consideration which appears to have been very much overlooked in reference to the proofs of contagion. If we examine the cases adduced as evidence that this is a contagious fever, we shall find, generally at least, that the subjects of them had been exposed to the same local causes of disease, as those were from whom they were supposed to receive it. Persons have visited their sick friends, have nursed them in their sickness, have watched with them, and mourned over them; and in their turn have taken the disease and died. The same thing has sometimes happened to those who have not entered the sick rooms, from only visiting the sickly districts.

But, on the other hand, when the sick are removed from the immediate circle in which they received the disease, do they carry with them the contagion, and spread sickness and death around them? If they do, let it be conceded that the yellow fever owes the extent of its ravages to its contagion; if they do not, we are warranted in the conclusion, that it is not a contagious disease. That they do not, is abundantly proved by the history of the disease, wherever its progress has been accurate-

ly detailed. Examples are very numerous of persons, who, after being exposed to the causes of the yellow fever, have gone among their friends at a distance from those causes, and have had free intercourse with them, without communicating the disease to any one. In many instances watering and other parties, which have been sent on shore from ships of war, without having any communication with sick persons on shore, have all been taken sick with the yellow fever, after their return on board, and many of them have died, while no other person in the ship, although full of men, has been affected by it. Even when the sick are crowded together in hospitals, that are at a sufficient distance from the seat of the epidemic, they do not communicate the disease to their attendants. This has been abundantly proved in the hospitals established for yellow fever patients in the vicinity of New York and Philadelphia.

While the yellow fever raged in Malaga in 1804, the inhabitants of Churriana and some other villages in the vicinity received many of the sick among them; but the disease was not communicated by them. 'M. Delestra, the French practitioner,' says Sir James Fellowes, 'informed me, that he was appointed by the alcade of that village, the foreign consuls, and merchants, who had fled thither during the sickness in Malaga, to superintend the lazaretto that they had formed at Churriana. Twenty persons had already died there, principally those who went daily into Malaga, and had come from thence with the disease upon them. The same observation was made in the neighbouring villages of Torre-Molino, Alhaurin, Alaurinego, and Coin, that the emigrants from Malaga, the bakers and messengers, or carriers were those affected, and most of them with the symptoms of the yellow fever. But he remarked, that not one of them communicated the disease to any individuals of the house.' It is surely more rational to ascribe this exemption of the inhabitants of these villages from the disease to the absence of contagion, than to adopt the opinion of the inhabitants themselves, that it was owing to the burning of aromatic herbs and plants in their ovens.

The circumstance has often been quoted, in support of the doctrine of contagion, that those who flee from towns where the yellow fever prevails, generally escape its attacks. It seems to be forgotten that they withdraw from the influence

of the exhalations which are the cause of disease. Sir. James Fellowes reports it as 'a curious and striking fact,' that while the fever raged in Gibraltar in 1804, the families of Col. Fyers, Mr. Thomas Cooper, and Mr. Watkins, all remained free from it, at Europa near to Gibraltar, except Capt. Gardner in the family of Col. Fyers, who was obliged to pass through the town to attend his duty. 'But,' continues Sir James, 'it is a curious fact, that although he had symptoms of the disease, they were not so strongly marked as to be capable of effecting reproduction of the disease in others, for of the whole family, none were attacked with the prevailing complaint.' That the cause of the exemption of these families from the disease, was not what Sir James supposes it to have been, the absence of the means of communicating contagion to them, is shown by the melancholy result of a similar seclusion at the same time but in a less fortunate place, reported also by Sir James Fellowes. Mr. George Cooper, a brother of Thomas, confined himself and family to his house in a garden at Rosia. But so far were they from being preserved by this precaution, eight out of the nine persons connected with the family had the disease and five died, besides four servants who were taken ill but recovered.

Indeed we no where hear of persons being secured from an attack of yellow fever by avoiding an immediate contact with the sick while they remain in their immediate vicinity. In this respect there is a striking contrast between this disease and the plague, which is acknowledged on all hands to be contagious. In that disease, violent and fatal as it is, persons are secured from its attacks, not only by shutting themselves from its influence while it prevails all around them, but may even visit the sick rooms with impunity, provided they are careful to avoid actual contact with the diseased; at the same time that its liability to be communicated from one individual to another, is not limited to any definite extent. We have seen that in both these particulars, the opposite is true of the yellow fever. Within the sickly circuit no person is secured from it, by avoiding the presence of the sick, and without that circuit, the disease is not communicated by the most intimate intercourse. We might add very much to the evidence which we have presented of the truth of this assertion; but to collect all the proofs of it, would be

but to add another to the volumes already published in support of it.

An attempt has lately been made by a zealous friend of contagion to evade the inference from this body of evidence, that the yellow fever is not contagious, by assuming it as a peculiar property of the contagion of this disease, that it acts only in an impure atmosphere; just as other diseases have their peculiar modes of communicating their contagion, one by contact, another by respiration, &c. This hypothesis is perfectly without foundation, and is too absurd to need a refutation; and shows such an ignorance of the subject that we do not feel at liberty to take advantage of the acknowledgment implied by it of the correctness of the points which we have been endeavouring to maintain. We should not have noticed it, were it not that the situation of its author, as the editor of a public journal, has given him an opportunity to exert an influence upon public opinion, much greater than he is entitled to by the extent of his medical knowledge.

Sir James Fellowes and Dr. Pym acknowledge that the disease cannot prevail in an open airy country. This, although in other places they pronounce it *highly contagious*, they attribute to the weakness of the contagion, which is too much diluted to act in such situations. But we have seen that the disease has shown no marks of contagion in crowded ships and hospitals under circumstances peculiarly favourable to its operation. Besides, we might ask, if the contagion is so easily destroyed, how it is capable of being conveyed from country to country; of lying dormant for months and years, and then reappearing with destructive activity.

In many places where the yellow fever has appeared, there has not been the least evidence of its importation; and in most of them, the attempts to point out the time and manner of its importation have been incomplete and contradictory. How different is this from the progress of the small pox or any other disease which is avowedly contagious. This fever too, in temperate climates at least, prevails only after a series of such weather as is the most unfavourable to vigorous health, and generally begins in those parts of cities, which from their filthiness and want of ventilation are peculiarly suited to the production of putrid exhalations. Neither is the progress of this fever through a town such as might be expected from a disease which is propagated only by contagion.

The friends of those first affected, who are most ready to visit them in their sickness, are not likely to be limited to their immediate neighbours, but to reside in various sections of the town. In a contagious disease therefore we should expect to see new cases not only arising in different and distant places, but becoming themselves new centres of diseased circles, from which it is rapidly extended to many others. On the contrary, except in some towns in which from their local situation every part is equally exposed to the action of marsh effluvia, the yellow fever creeps from house to house and from street to street, as the influence of the putrid exhalations, which cause it, is gradually extended.

There are many other considerations which might be mentioned in confirmation of the opinion, that this fever is not propagated by contagion, but is domestic and local in its origin. But we omit them for the reason already given, and turn our attention to the examination of the circumstances under which the disease was produced in several cities of the United States the last summer and autumn. These circumstances were peculiarly favourable to a determination of the great question in dispute; because as it was not extensively epidemic in any of the more northern cities, an opportunity is furnished, to trace the origin and result of individual cases, with more accuracy than can be done when its ravages are more extensive.

In Boston this fever has appeared in three different years. Each time of its appearance, the summers have been unusually hot; and the fever has been principally confined to a small section of the town.

'In the year 1798,' says the author of the account of the fever of the last season, 'we had among us an epidemic fever, which passed under the name of yellow fever, and which was no doubt of the same character, as the disease which has been known elsewhere under that name. This disease was limited in its extent, occurring only in persons who lived or passed much of their time about the Town dock, State street, Liberty square, around Fort-hill, and in some similar situations; that is to say, in parts which are low, and on the eastern and southern borders of the town, though not in every situation of this kind. The number of persons affected at that time was very small in proportion to those, who have suffered under a similar epidemic in some of the other cities in our own country, and in some cities in the south of Europe, within the last twenty-six years.

'In the year 1802, the same disease appeared within much narrower limits. It was confined to the neighbourhood of Fort-hill; that is, it appeared in its mildest form in Liberty-square, which is on the north side of the hill, and in a more severe form in Purchase street, the lower part of Summer street, and a little in Sea street and High street. A few persons underwent the disease in other parts of the town; but they were persons who had passed some time, not merely visited, in the places above-mentioned; and the disease did not extend from such persons to others who attended them.

'The fever which has appeared this year, has been confined to limits still more narrow than those in 1802. It has been around Fort-hill, but mostly within one small square on the south-eastern side of the hill. The longest side of this square is about twenty five rods in length. This square is bounded by Purchase street, High street, Griffin street, and Gibb's lane. The disease did not even extend over the whole of this square; but has been almost confined to the half nearest Purchase street. There have, however, been a few cases in the vicinity of this square, and perhaps two or three on the other borders of the hill. It has likewise happened now, as in 1802, that persons who have contracted the disease on the ground above described, have sickened elsewhere; but the disease has not in this way been extended to other persons. Since the above statement was drawn up, scattered cases of the disease have appeared over a larger extent, but still in a circle around Fort-hill. These cases have been somewhat milder than those which occurred in July and August. The fatal ones have not terminated so early, as happened in most of the other cases. The most strict investigation in respect to some of these later cases, has shown that the disease had not been derived from those previously sick.' *N. E. Med. Journ. vol.* viii. p. 380.

The first cases of the disease occurred about the last of June, and were very speedily fatal. The number was not, however, so great as it was about a month later, after a longer period of very warm weather. In the mean time, a new source of the disease appeared. On the 26th of July the ship Ten Brothers arrived at the quarantine ground in the harbour, and on the first of August came up to the town. This ship had been absent nearly a year on a voyage to the coast of Africa. The captain and a boy had died of fever on board at Prince's Island in February and March; and a man in July of some other disease. On her return she had taken in a quantity of Indian corn, which was discharged at

Martinico, and she brought home only a small part of a cargo of any sort. From the statement of the board of health respecting this ship, it appears that

'The said ship while at sea, and before her arrival on quarantine ground, leaked considerably, between two and three hundred strokes an hour; after her arrival at quarantine, she did not leak much, but she was pumped out every night and morning, while she lay there. While at quarantine, no articles whatever were delivered out, or taken from said ship, except such as were taken out for purification on the island, by order of the assistant physician of the board, and the same when cleansed were put on board again; and no person except the officers of the board of health, and a little son of Capt. Cobb's and the crew of said ship, were on board said ship, while she remained on quarantine ground. The ship remained on quarantine ground as long as the law, and the regulations of the board of health, require vessels to remain similarly situated. Said ship was washed with vinegar, and every night fumigated in her cabin, and between decks, while on quarantine, and every cleansing and purification of said ship and articles on board, was used, in the most faithful manner that has ever been thought to be necessary or proper, with vessels arriving at quarantine, similarly situated.'

All this, as we have seen, must have been done between the twenty sixth of July and the first of August. It does not appear that any examination was made of the state of the lower hold of the ship; and no part of the cargo was removed. Yet this cargo was in a state very far from healthful; and it is matter of common remark that no ship has arrived in our harbour for many years in so foul a state as the Ten Brothers. The interstices between her timbers were filled with corn and coffee, in the most putrid state; and the gunny bags and the coffee of her cargo were filled with insects. We are told by the author of 'the late fever,' that 'it has been stated by people of veracity that the ship was extremely foul, so as to be offensive to the senses, even when coming up the harbour, and of course before her cargo was started.'

After some remarks, the board proceed:

'When Capt. Cobb left quarantine ground, with the ship, his wife, two of his sons, and a nephew went in the ship with him up to Boston; the ship laboured much, and the crew were wet and much fatigued, after leaving quarantine, and before they arrived at the wharf in Boston. On arriving at the wharf, Capt. Cobb,

under the inspection of the late Mr. Eaton, one of the officers of the customs, delivered from said ship some articles of clothing, being an adventure, belonging to Capt. Mayo, late master of said ship; and on Tuesday, [the 3d] the day before the said ship was unladed at the wharf, the late Mr. Daniel Badger received from said ship a box containing brushes, and a handkerchief containing common slop clothes, that had been sent an adventure, and returned in said ship. The crew of the said ship did not assist in unlading her at the wharf, but they all slept on board her, on Sunday night, when she first arrived at the wharf, and on that Sunday and Monday following, they were all taken sick and left the ship; three of them died, during the week, after leaving Boston, and two recovered. On Wednesday, [the 4th] after the said ship arrived at the wharf, and when unlading, a white scum was discovered on the bilge-water in her lower hold, and an unusual stench from the water pumped out of her; putrid corn was also discovered to be scattered in her timbers under her ceiling.'

We have been thus particular in detailing the circumstances respecting the ship Ten Brothers, in order that it may be distinctly seen what foundation there is for the supposition, that the disease which originated in her arose from imported contagion. In regard to the disease at Fort-hill, it must be remarked, there is not the slightest ground for pretending that it was imported. On this subject, the author of 'the late fever' remarks:

'As usual, however, in every case of a malignant disease, there have been persons, who have attempted to show that the whole was of foreign origin. To this subject we have attended without prejudice, but we have not found any reason to believe that the disease on Fort-hill was introduced from abroad. That it was not derived from the ship Ten Brothers is sufficiently evident from dates. At the moment when the first distinctly marked cases occurred on the hill, every investigation was made to trace them to a foreign source, but in vain. This investigation was prosecuted by persons of different opinions on the general question at issue, but with the same result.'

The character and respectability of the family in which the disease first appeared on Fort-hill were such, as to aid the inquiry, and every circumstance relating to it was fully and satisfactorily investigated. The result was not only that there was no proof of importation; but it was evident that the disease could not have been imported.

From these two sources arose the disease which occasioned a considerable number of deaths, and gave so much alarm in Boston the last summer. Many persons were on board the Ten Brothers soon after her arrival; and within a few days, several of them were attacked with violent symptoms of fever, which to most of them, in a short time, proved fatal. These persons, as well as some of those who received the disease on Fort-hill, were sick in various parts of the town and in other towns, but they did not communicate the disease to others. Except in one instance, of which we shall speak presently, there was no case of the fever which could not be distinctly traced to exposure on board the ship, or to Fort-hill.

Mr. Badger, who has been mentioned, sickened and died at Portsmouth. His brother, who was with him, and had slept with him in the same bed, the night previous to his death, supposing the disease to be contagious, was afraid to return to his family, lest he should introduce it among them. But notwithstanding the strong predisposition to disease necessarily occasioned by such a state of alarm, he waited in vain for its approach. The sailors, who were taken sick, were carried to Brewster, where, as we have seen, a part of them died, and some persons were sick at Marblehead. Among the cases on Fort-hill, Mr. Wilds died on the second of August, and his remains were immediately removed to Acton. A grand child sickened the third, and died the seventh. His wife sickened on the seventh, and was removed to Acton where she died. Their daughter was taken about the same time, and removed to her brother's in Back street, where she remained three days, and was then removed to Acton, and died there. Mrs. Webster, a relation of the family, who had nursed the child, was also seized the sixth or seventh, and removed to Green street, where, after a severe sickness, she recovered. Yet, amidst all this variety of exposure, the disease was not communicated to others. The same is true, with the exception already referred to, of the whole fifty or sixty cases that occurred in the town.

We are obliged to speak thus loosely of the number of cases, because we have no means of knowing the exact number. So defective is our system of public health, that there are no records to show the extent to which the disease prevailed. No returns of diseases are ever made until after death has taken place; and then only such as the sexton can collect

from the friends of those whom he goes to bury. Even this system, bad as it is, does not include those who die at the Almshouse, or at the quarantine ground on Hospital Island.

From all these circumstances, it is evident that the disease which arose from the ship Ten Brothers was as purely local in its origin, as that upon Fort-hill. And as the cases from neither source possessed any contagious properties, so they could not themselves have arisen from contagion. On this subject the board of health remark:

'On a thorough examination into the nature, state, and consequences of the sickness, proceeding from said ship, or her cargo, or articles on board, this committee have no hesitation in stating, that in their opinion, said ship on her arrival at the wharf in Boston, was a diseased ship; and that some of the articles that had been on board her during her voyage, and were returned in her, were so infected as to communicate disease to such persons, whose habit of body rendered them prepared victims for malignant disorders; but whether this disease originated from the putrid corn, and condition of the ship, or from subtle poison imported in her from the sickly climes of Africa, it is difficult, and perhaps impossible, to determine. Of the nature and character of the disease itself, the committee have not been able to obtain any definite and satisfactory information; whether it be a species of the *plague*, or of what class of diseases, remains at present in doubt. It was early discovered that although the disease was very malignant and fatal, yet *it was not contagious;* the committee have not been informed of a single case, where the disease originated from said ship, has been communicated by the diseased patient.'

By the 'subtle poison imported,' in distinction from that which might arise from the 'putrid corn, and condition of the ship,' nothing can be meant but imported contagion. Had the board been acquainted with the character of contagious diseases, they would have perceived that the acknowledgment which immediately follows, 'that this disease was not contagious,' completely destroys the supposition of its having a contagious origin. But on this subject, we apprehend enough has been said to convince our readers that there was no contagion in the case. As to what is said of the nature of the disease, we beg, for the credit of the physicians of Boston, that it may be distinctly remembered, that there is no physician in the board of health. If the board or their committee were unable to obtain any definite and satisfactory

information, it is because they did not seek it from that class of men who are generally supposed to be the best acquainted with the characters of diseases. We do not believe there is a physician in Boston who has the least particle of doubt of the kind referred to in this quotation.

We have said that there was one exception to the general fact that the disease was confined to those, who had either visited the ship Ten Brothers or resided near Fort-hill. This was the case of Harriet Bryant in Newbury street, whose brother had sickened on Saturday evening, the seventh of August, after having worked several days on board the ship, and died on Tuesday the tenth. Harriet had occasionally been into his sick room, but being the youngest of the family, had been less with him than his mother and another sister, the former of whom attended upon him constantly throughout his sickness, as his nurse. Previously to his death he vomited upon his pillows a large quantity, not of the usual matter of the black vomit, about which so much has been said in this disease, but of dark coloured grumous blood. The pillows, which were soaked through with this matter, were thrown behind a chimney, until after his death. The day following that event, Harriet took them, ripped them open, and picked over the feathers with her fingers, as they were matted together by the blood and other matters thrown from the stomach. She was a considerable time in doing this, and of course constantly exposed to the exhalations from the feathers, being too, as they must have been, in a half putrid state. She was attacked on Thursday evening the twelfth and died the Sunday following. Such is the account of this case given by her attending physician after a diligent and careful investigation of every circumstance connected with it.

If this had been a case of personal contagion, the mother and other sister would naturally have been the subjects of it. For it has been fully shown, by experiments performed for the purpose, that the matter thrown from the stomach of a person in yellow fever, does not, of itself, produce the disease in others, even when that matter is the true black vomit, and is received into the stomachs of others. But in this case, a sort of diseased atmosphere of limited extent was produced by the effluvia of the putrid mass, which was sufficient to act upon a constitution strongly predisposed to disease by the

extremely hot weather, and the state of great mental depression which she was in. The analogy of all the other cases that occurred in town furnishes a strong presumption in favour of this explanation. It is confirmed by the fact that however received, the disease in this person was not communicated from her to others; and we have already repeatedly remarked that a disease which is received by contagion, is itself necessarily contagious. The mother of this girl attended constantly upon her, during her sickness, and slept in the room with her the night before her death; and her sister lay beside her in bed all the afternoon before she died; yet both remained in perfect health, as well as her father and brother. This circumstance might possibly be explained by Dr. Pym, by the gratuitous supposition that the remaining persons of this family had previously had the fever, and were therefore protected from it. To this we reply, that we have made inquiry on the subject, and ascertained the contrary to be the fact. No member of that family was ever a subject of the yellow fever, except the two who died of it the last summer.

It is remarkable that whenever the yellow fever has appeared in Boston, it has begun its attacks earlier in the season, than it generally has done in the more southern cities. In New York it did not make its appearance in 1819, until about the first of September. The first death from the disease was on the fifth; on the sixth the Board of Health by a public order pointed out the limits of the sickly district, and recommended to all who lived within it to remove; and on the twelfth, an ordinance was passed, authorizing the mayor, with the advice of the board, to remove any person or things that had been exposed to the action of the disease.

It does not appear that the number of cases, or the degree of fatality, was much greater in New York than it was in Boston. But perhaps from its being more in the centre of population and business, or from some other cause, the alarm which it produced was much more extensive. By the middle of September most of the inhabitants had removed, not only from the sickly district as defined by the Board of Health, but also from the immediate vicinity; and before the end of the month about four hundred removals of places of business of various kinds were advertised. Some of these persons carried the seeds of the disease with them, and were sick after their removal. We have no means of ascertaining how

many instances there were of this kind. Of an hundred and fifty of the poor who were removed by order of the Board, to Fort Richmond on Staten Island, six sickened and died there. The sick, when it was practicable, were also removed out of town, to Fort Stevens on Long Island. Yet among all this variety of exposure, the disease was not transmitted to those who had not been also exposed to its local causes. If impurity of atmosphere were alone wanted to give effect to the contagion, one would suppose that enough of it for this purpose might naturally be found among the poor who were driven hastily in such a number into Fort Richmond. Or if concentration of contagious poison were needed, it might be supposed to exist, in the accumulation of the sick at Fort Stevens. But the fever did not spread at either of these places. There was indeed one case in the city, which is said to have originated out of the sickly district, and of which there was much dispute whether or not it was a true case of yellow fever. In this dispute we shall not interfere. Nor is it in our power to ascertain whether, supposing it to have been yellow fever, there were peculiarities of local circumstances sufficient to have caused it, as in the case in Boston, which we have before explained. Suffice it to say, that out of the many hundred persons, who must have been exposed to the contagion if it had existed, one only furnished even a doubtful argument in favour of the contagiousness of the disease, beyond the influence of local causes; and from that one the disease certainly did not extend to others.

We have seen no mode pointed out by which the fever of the last season was supposed to have been first imported into New York, although the advocates of the doctrine of its foreign origin are numerous and zealous, in that city. A most unjustifiable attempt, made by the board of health to trace one case to Boston, ought not to be passed without notice. In their report of September 22d, the Board say, 'the health officer reported that Capt. Cary of the sloop Union, had died at the Marine Hospital on the 20th. He had left Boston on the 2d, and his vessel had lain at the Central Wharf, near where the malingnant fever prevailed.' The inference obviously intended to be drawn from this statement is, that Capt. Cary had taken the disease in Boston and carried it with him to New York. His vessel was ordered into quarantine; and because a passenger who had gone in her, after remaining

seventeen days in quarantine, evaded the law and returned to Boston, a proclamation was issued, offering a reward of one hundred dollars for his apprehension. It is perfectly well known in Boston, that there was no case of yellow fever on Central Wharf the last season, nor even on Long Wharf, by which the ship Ten Brothers lay, except of those who were actually on board that ship. If all the exertions of the good people of New York to trace their fever to foreign sources are equally unfortunate, we fear, however disagreeable it may be to them, that they must still lie under the imputation of generating it among themselves.

In their report after the termination of the fever, the board of health state two cases which show in a striking manner, how vain and ineffectual are the attempts to guard against the effects of the supposed contagion of this disease by quarantine regulations.

'That vessels may become extremely infected, and that when they are so it is difficult to purify them, was evident from several instances within the knowledge of the board. Two of them may deserve to be mentioned. The French ship La Florentine arrived here in July, after a passage of twenty days from St. Pierres, Martinique. The yellow fever prevailed at that place at the time of her departure, and one of her passengers died with it there. She performed a quarantine of thirty days, underwent all the ordinary purifications, and the 24th of August the health officer reported that she was free from infection and might safely be allowed to come to the wharfs. The board, however, ordered her to be anchored in the stream. In the beginning of September two of the seamen were taken ill with the yellow fever, and she was sent back to the quarantine ground. From thence she went to sea, but having met with a storm, she put back in distress on the 25th of that month, when it was found that since her departure her captain had died of the same disorder.

'The brig Eliza arrived on the 13th of August, after a passage of six days from Charleston, having on board a sick passenger, who died on the same day with the yellow fever. She performed a quarantine of thirty days, and was three times white-washed, her limbers were taken out and cleansed, and she was otherwise purified, and on the 16th September she was allowed to anchor in the stream. Yet on the 6th October her captain died of yellow fever, and on the 7th one of her seamen sickened with the same disease."

So difficult is it to destroy what in fact does not exist.

Whether the crews of these vessels imbibed the yellow fever while lying at quarantine, or by communicating with the shore while at anchor in the stream, we know not; but we hope our readers are not so incredulous of the facts which we have stated and referred to, as to make it necessary for us to go into an examination of the circumstances of these cases, to convince them that the vessels did not derive their diseases from any contagion brought with them.

We have founded these remarks on the fever at New York, principally upon the statements of the board of health, rather than upon the publication of Dr. Pascalis at the head of this article; because as that publication was made expressly for the purpose of disproving the existence of contagion, it perhaps might not receive so much confidence from the friends of contagion as the statements of the board.

At Baltimore the yellow fever began earlier than at New York, though later than at Boston. But it soon far exceeded them both, in the extent of its ravages. The fever was here, as in those places, confined to a small section of the town, and to those who visited the sickly portions. The principal seat of the disease was at Fells' Point.

'It was as easy,' says Dr. Reese, 'to separate the healthy from the diseased portion of the Point, as it would be stretch a line across a room, so circumscribed was the extent of the noxious poison. And although a continual intercourse was kept open between the City and Point, and diseased persons constantly carried up to the centre of the city and dying there, yet in no instance was the disease thus communicated. And a fact still more remarkable is, that in the hospital, where there was an accumulation of the worst cases, yet in no instance was a physician, nurse, attendant, or any visitor diseased.'

Had the board of health possessed the authority and the disposition, which they doubtless would have had to exert it, to remove at once all the inhabitants from the sickly district who would not remove voluntarily, there is little doubt that the progress of the disease would have been arrested, as it was at New York. But unfortunately no such authority existed, and many persons were too obstinate to remove of their own accord. This not only kept up the disease in themselves, but very greatly increased the danger to many others, by adding to the difficulty of cutting off the intercourse between the healthy and the sickly portions. So long as persons re-

mained there sick, and in want, they must receive attentions which were necessarily attended with danger to those who paid them.

'And it is very remarkable,' says Dr. Reese, 'that in almost every instance wherein any person visited the Point at night, the disease was contracted, while those who were only there in the day time escaped with impunity.'——'Several physicians who had been attending patients through the whole course of the fever, in the very centre of infection, in the day time, were exempted from the malady, but by visiting once in the night they became diseased.'

The healthy parts of the city were crowded with those who removed from the Point. To encourage the removal of the poor, provision was made for them in two contiguous ropewalks, and after these were filled, in tents pitched for the purpose.

More than one thousand persons were here supplied with the necessaries of life for a considerable length of time under the superintendence of proper commissioners. It would be difficult to conceive of circumstances more favourable to the extension of a disease by contagion, than those of this encampment. The habits of the poor are not much in favour of cleanliness and attention to health; and still less are they so when subjected to inconveniences and privations, such as they must here have suffered, notwithstanding all the care and attention of their generous benefactors and of the commissioners. Their constitutions were more or less predisposed to disease by the alarm which had brought them together; and a few actually brought the seeds of the fever with them; yet we are told by Dr. Reese, that

'The health of the inhabitants of the encampment was truly remarkable; for during the whole time of their continuance in the ropewalks, only six persons died there; five others who contracted the disease at the Point, but became affected after their removal to the encampment, were carried to the hospital, and died there, making in all only eleven deaths in the whole number who were collected from the diseased district.'

The circumstances of this epidemic seem to have been decisive in removing from the people of Baltimore, or at least from their health officers all fears of contagion of yellow fe-

ver. In January last the board of health addressed a letter to the Baltimore District Medical Society, with a series of questions respecting the causes of the epidemic of the last season, and the means of guarding against its return in future. The society in reply attribute the disease entirely to domestic causes, principally to the decomposition of vegetable matter. On the subject of contagion, they are very explicit and decided.

'*Question of contagion and importation.*'

The doctrines of contagion and importation receive no countenance from this society. They believe that the cause of the disease may be imported; by this is understood a cargo of vegetable substances in a putrescent state.'

The measures of defence recommended were mostly such as naturally arise from this view of the origin of the disease; a careful attention to the nature of the materials of which made-land is formed, watchfulness to prevent all accumulations of putrescent vegetable matter, and a regulated quarantine of such vessels as arrive in a foul state. But we were not a little surprized to find the following among those recommendations.

'11th. It is respectfully recommended that the following laws be repealed; first, that restricting hogs from running at large; secondly, that which makes it penal to throw kitchen offals into the street.'

It might have been supposed that the experience of New York would be thought sufficient to show the impolicy of trusting the duties of scavengers to swine. In February an ordinance was passed forming a new board of health, and giving them new powers; and embracing most of the provisions recommended by the district medical society, except that respecting the hogs running at large.

Of the fever in the other cities of the United States the last season, we have no very particular accounts. There were a few cases in Philadelphia, notwithstanding the rigid system of exclusion by which it was attempted to prevent its entrance. It also prevailed in Charleston and Savannah, but in a degree much less destructive than in many former years. In both these cities the fact of its domestic origin has long been known and acknowledged; and their precau-

tionary measures are founded upon this belief. It is no slight confirmation of the truth of this opinion, that it has been first established in those parts of our country where the disease has been the longest and most frequently prevalent.

At Mobile the yellow fever was more destructive in its ravages, in proportion to the population, than perhaps it has ever been in any other place in the country. The committee appointed after its termination to investigate the causes and extent of the sickness, confidently referred it to the contamination of the atmosphere by the putrefaction of vegetable substances, abundant sources of which they pointed out. The fever was also severely felt at New Orleans. But the opposite opinion has been adopted respecting its origin. The governor of Louisiana is so convinced of its foreign origin, that he has called upon the legislature to enact new and more effectual laws to prevent its importation. In his message to that body he says, 'Now that the great question, whether the disease be of a contagious nature, appears decided affirmatively, by the circumstance of the malady having been carried by the steam-boats to the highest situations bordering on the Mississippi, the legislature can no longer hesitate or doubt.' As if it were impossible to suppose, that the state of a steam-boat, so favourable to putrefaction, whenever any filth is allowed to accumulate, could be such as to generate the disease within itself, especially when aided by the effluvia from the low and marshy banks of the Mississippi. And this is the circumstance which is so conclusive as to be alone sufficient to decide this 'great question.' How safe must be the citizens of Louisiana, so long as they continue under the protection of laws enacted in a spirit of such wisdom!

On examining the strong proofs that the yellow fever is not a contagious disease, the question naturally enough arises, how is it that circumstances so often favour the impression which is so extensively diffused that it is imported? This question is not difficult to be answered. In the first place it must be observed, that in most of our towns, the parts which are the most exposed to an accumulation of materials for putrefaction are those which are contiguous to the wharfs. The wharfs themselves and the made-land in their vicinity are often filled up in part with vegetable materials, which soon putrefy; and the classes of people who generally crowd the buildings near them are such as from their habits and modes

of living, are peculiarly liable to generate diseases among them. Hence when an epidemic appears, the very ready communication between such vessels as may arrive, and the places where from local causes it is most likely to begin, easily creates a doubt as to its origin. This is not indeed the case in Boston; for here the principal seat of the fever has always been at a little distance from the principal wharves. And it is worthy of remark that in neither of our epidemics has any mode of foreign importation been pointed out, which rested even on plausible ground.

It is a fact perfectly familiar to any one who is acquainted with the laws of the animal economy, that the human system may, by a gradual application, become accustomed to a poison so as to resist its action, though such poison be much more powerful than another, to which it readily yields if suddenly applied. Thus a person, who has long been accustomed to an impure atmosphere, suffers very little from it, while another, who only visits him for a short time, is made sick by the impurity. Even a change from one species of impure air to another, although both may be equally offensive in themselves, disposes a person to receive a disease much more readily, than if he had continued in the atmosphere to which his system had become habituated.

We have shown, we think conclusively, that the yellow fever may be produced by a concurrence of causes of domestic origin. Let us suppose, that after these causes have been in operation, so as to produce a very strong predisposition to disease, but before the disease has actually begun in so severe a form as to occasion alarm, a ship arrives in a foul and putrid state, like that of the Ten Brothers, when she came into Boston harbour the last summer. Here the inhabitants of the infected spot and the persons on board the ship have, each among themselves, sufficient cause of disease, which is almost ready to break out of itself, but is resisted for the present by their systems having become accustomed each to their own poison. But let a communication be opened between them, and each will give the disease to the other. The inhabitants of the town imbibe the disease, by going on board the ship, and the persons from the ship, by going into the town. These, however, are not the only persons affected. The same causes being continued, the disease would have been very soon occasioned by the mere progress of time, if no ship had

arrived; and this is of course not prevented by its arrival. A much greater effect is now given to these causes, by the alarm which the first cases have produced; for it is well known, that fear is a most powerful predisposing cause of disease.

Nearly the same consequences would follow, if a healthy ship were to arrive at the time we have supposed. The persons from the ship, in this case, being unaccustomed to the sickly atmosphere, would be the first to feel its effects; they would thus be the first victims of a disease, which, from the circumstances just mentioned, would soon extend to others. It is easy to see that the progress of disease in these cases may give rise to appearances of contagion, when in fact there is no contagion in the case.

In all our large towns vessels are arriving daily from foreign ports, and their passengers and crews mixing freely with the inhabitants. It is not therefore improbable, that they do sometimes arrive under circumstances such as we have supposed, and thus are subjected to a false charge of having imported a contagious disease. Had the ship Ten Brothers arrived at a wharf near Fort-hill, and three or four weeks earlier than she did arrive, it would have been hardly possible to convince our citizens that we did not owe all our fever of the last season to her, although no other circumstance had occurred differently from what actually took place.

The practical effects of trusting to the doctrine of the contagion of yellow fever seem heretofore to have been entirely overlooked in the discussion of this question. Much has been said of the danger of abandoning the precautionary measures against importation; but we hear little or nothing of the evils of these measures themselves, except as commercial restraints, nor of the danger of confiding in them. If it were the only objection to our quarantine regulations, as they at present exist, that they do no good, we might here drop the subject, and leave it to commercial men to decide how long they will submit to the inconveniences and embarrassments of a system, which at best is totally useless. But its injury to commerce is one of the least of the objections to the present quarantine system. It is fraught with evils scarcely less serious, than those which it was intended to remedy.

The selection of places for the performance of quarantine being made only with reference to their general healthiness,

and the convenience of their situation, it may happen that the quarantine ground itself shall become a source of disease. Although it is now well established that the yellow fever is a local disease, and some of its causes are well known; yet we are by no means sure that all of them are. The experience of Boston has shown that the general healthiness of a place, and its freedom from gross impurities, are not full security against its originating this disease. If a place, thus circumstanced, were to be made the seat of quarantine regulations, it is easy to perceive the danger of those, who are so unfortunate as to be subjected to them. In this case, as it is only those, who are suspected of having been exposed to the operation of contagion, that are placed under quarantine, the occurrence of disease in them would be regarded as proof of the justness of the suspicion. This is not a mere idle fear. There is much reason to apprehend that one of our sister cities has been thus unfortunate in the selection of her quarantine ground; and that not a little of the confidence in the belief among her citizens of the importation of the disease, has arisen from the cases which originated there.

An evil of a more general occurrence, resulting from our present quarantine system, is, that the measures of precaution being directed exclusively against one object of apprehension, and this a groundless one, the true causes of disease are neglected, or at least are not sufficiently provided against. It is true, that the advocates of contagion enjoin some attention to be paid to cleansing the streets and yards of our cities; but they take away the most powerful motive for watchfulness, when they declare that there is no danger of the appearance of the disease, so long as the avenues to its importation are effectually closed. The accumulation of filth, however, is far from being the only, or even the principal domestic cause of yellow fever; although it is the only one which receives any attention under our present system of public health. It is of great importance that effectual care be taken, in filling up new streets and wharfs, to prevent its being done with corruptible materials, which would become the sources of future epidemics. All this is now left to chance, or to the convenience of individuals.

Even the danger of importation of yellow fever, in the only mode by which it can take place, is left unprovided for. It ought never to be forgotten, until a thorough and radical

reform is effected in our quarantine system, that in Boston we owe every case of disease, which the last summer arose from the ship Ten Brothers, exclusively to the belief of our health officers, that the yellow fever is contagious. If they had not been led astray by this spectre of the imagination, they would never have suffered a ship in so foul and dangerous a state, to approach our wharfs. The board of health state, 'that the quarantine committee, assistant physician, and other officers of the board, in all their conduct relative to said ship and cargo, have acted faithfully, and with a proper regard to the preservation of the health and safety of the citizens.' We doubt not the honesty of their belief, that they had guarded against all the dangers of the case. But their ignorance of the real causes of disease soon spread alarm, and sickness, and death in every direction. They sought for contagion and found none; for no contagion was there. And they looked no farther. Had they sought any other source of disease, the dullest penetration could not but have found it in abundance.

The effect of a belief of contagion in yellow fever is equally injurious on the measures which ought to be adopted for checking the progress of an epidemic after it has begun. In most, if not all, of our cities, the parts which are liable to an attack of the fever form but a small proportion of the whole. A certain and effectual check may therefore be put to the progress of the disease, by a speedy removal of all the inhabitants from the sickly portions. The sick, as well as those in health, ought to be immediately removed, since it is now fully established, that they will not convey the disease to others. It is happy for the inhabitants of New York, that their board of health acted upon this principle, notwithstanding their apparent belief in the doctrine of contagion. Baltimore has much to regret that her health officers had not the power to do the same thing; but she has provided for it in future. Boston has something to answer for, that no steps were taken to remove the inhabitants of the sickly district.

The sufferings of sick families and individuals, in consequence of the dread of contagion, are often extremely distressing. We have seen how easy it is to avoid all the danger, by removing them to a healthy situation. Yet there were instances in Boston the last summer, where one after another in a family was suffered to sicken and die, with scarcely a

friend to administer the medicine which was prescribed by the physician. Neighbours were afraid to aid each other, although in reality exposed to the same common danger; and brother was afraid to visit brother. Strangers closed the eyes of the dying, and hurried them to the grave, as soon as the last breath was drawn. And why was this,—in a town where so much benevolence and philanthropy are evinced on a thousand far less urgent occasions? It was because this panic fear of contagion had fallen upon us, and possessed the minds of men with a sense of danger to be incurred in visiting the sick, which not even the pathetic call of relations and friends, in want and dying, was powerful enough to overcome.

It is an inquiry of vast importance, what course of measures is best adapted to preserving the public health, and guarding against the inroads of epidemic diseases? It is evident that a system which was formed under the influence of an erroneous opinion as to the kind of dangers to be averted, cannot be well suited to the purposes for which it was designed. A system of quarantine which was devised to protect us from the attacks of a contagious disease, is not a protection against one which is not contagious. Yet we would not entirely reject the quarantine system; although the modifications and changes, which it would require to render it effectual, would so alter its features as to render it almost a new one.

A single circumstance will show the impolicy and absurdity of the quarantine laws of Boston, as they now stand. If a vessel arrive during the summer months, between the 20th of May and the 20th of October, from one of the West India Islands, after a passage of less than twenty two days, coming from a healthy port, with a crew in health, and a cargo in a fresh and sound state, she is detained at quarantine until twenty five days are completed from the time of her sailing. Her cargo in the mean time, if composed of fruits or other perishable articles, is suffering from the detention, and she leaves the quarantine ground in a much worse state than she entered it. But suppose this vessel, instead of being carried forward by refreshing and invigorating breezes, to have been retarded by calms and fogs, until twenty three days have expired, or any longer time, her cargo injured by the length of time and the badness of the weather, so as to be in a putrid and offensive state, and she will be detained but three days at quarantine, before she is permitted to discharge her

cargo in any part of the town. The circumstance which should operate as a motive for additional precautions is the reason for diminishing them, and that which is the best ground of safety is made a reason for increasing them.

The only object to which the restrictions of quarantine are now applied, is to guard against the introduction of disease by contagion. We have seen that the principal object to which they ought to be applied, is to prevent the introduction of noxious matter from vessels or their cargoes, which are in a foul and unhealthy state. The application of quarantine laws ought not therefore to be regulated in reference to the places from which vessels arrive, but by the state in which they arrive. There is no cause for detaining a ship, on account of the danger of yellow fever, which is itself in a pure and healthful state, from whatever port she may have sailed, nor however sickly that place may have been. On the other hand, no ship that is foul and offensive, or that has a cargo in a putrid state, although the place from which she sailed, or the persons on board be ever so free from sickness, ought to be permitted to approach the town, until she has been thoroughly cleansed and purified. Yet in this case there is no good reason for detaining the passengers and crew in quarantine. Whatever danger they may have incurred of being attacked by disease, even after they leave the ship, there is no fear of their transmitting the danger to others.

The precautions against infection from the impurities of vessels, and the putrefaction of the perishable parts of their cargoes, ought not to be limited to the restraints at quarantine. Notwithstanding the utmost vigilance of health officers, vessels will sometimes be permitted to pass without suspicion, whose cargoes, or some parts of them, are in a state liable to produce disease; or by a long detention on board, some articles may have become putrid after having passed a sufficient examination at quarantine. There ought, therefore, to be a rigorous system of inspection, during the summer and autumn, into the state of every ship which has a cargo of a perishable nature, while she is discharging. In this manner, the danger, when it exists, will be detected, before it can have extended to any considerable number of persons, and will be promptly removed.

As to the means of purifying vessels and articles which are in the condition here supposed, and of restoring them to

a healthful state, much remains to be learned, for little is at present known. The deleterious influence of the putrid effluvia is checked and destroyed by frost; but whether we have any artificial means of doing it, is at best doubtful.

The regulation of quarantine forms but a small part of the duties which belong to a well ordered system of public health. Not only is there much to be done to guard against the various domestic sources of disease, but much depends upon the wisdom of the measures which are adopted to check the progress of sickness after it has begun. These measures should be prompt and decisive, for the evil gains ground with every delay. To effect this in a proper manner would require a board of health very differently constituted from that which superintends our health concerns. A board of twelve men partakes too much of the nature of a deliberative assembly to act with the promptitude and vigour, which the nature of the case often demands. Besides, the responsibility is too much divided. Twelve men will often do badly, what three of the same men would do in a much better manner. Three or five men, we are persuaded, would perform all the duties which devolve upon this board, in a manner much more satisfactory to themselves, and to the public, than it is possible for our present number to do it. These men ought to receive salaries proportioned to the importance of the services expected from them, and the responsibility of the office. There are very few men, whose time is of any value, who can afford to devote so much of that time to the public service, as the duties of this office require, without receiving some compensation for it. The new ordinance establishing a board of health, and defining their duties at Baltimore, provides for the appointment of three commissioners of health, with an annual salary of six hundred dollars each, and a consulting physician with a salary of five hundred dollars. These four officers together constitute the board of health. But they have each separate duties to perform; the commissioners in their several districts, and the physician such as appertain peculiarly to his profession. Upon him it devolves to ascertain the existence of such diseases as may require the attention of the board, to point out proper measures to arrest their progress, and to decide any other medical question that may come before them.

This appointment of a physician as part of the board, but

with distinct powers and duties in matters strictly professional, is deserving of particular attention. It places the responsibility of deciding the medical questions, which often occur, where it ought to be. It is not to be supposed that men who are not at all acquainted with the science of medicine, are capable of deciding these questions from their own knowledge; and they ought not to be required to decide them upon the authority of others. It is a great defect in our present system that we have no provision for this case. The appointment of a physician as a subordinate officer of the board does not supply the deficiency; because, as he is not a responsible officer, in respect to the public, his opinions are never published on his own authority.

It is another defect in our system, that we have no provision for obtaining the opinions of the practising physicians in town, of the cases which come under their care. A physician who attends constantly upon a patient has a much better opportunity to judge correctly of the character of the disease, than another who only makes a single visit for the purpose of ascertaining it. In the first cases of the fever of the last summer, our board of health pronounced an opinion upon the disease and published it to the world, without having held any communication with either of the highly respected physicians who had attended in them, or with any physician who had seen them before death.

The physician of the board ought doubtless, in all important cases, to visit the patient, and give his opinion to the board. But he ought at least to confer with the attending physician, before he does it; and if circumstances admit of it, they should go in company to the sick room. In case of a difference of opinion too, there is a delicacy to be observed towards the attending physician, which ought never to be neglected. His standing and influence with his patients and their friends, are his property, and should not be wantonly violated. It is not to be tolerated that a member or a physician of the board of health should enter the sick chamber, in the absence of the attending physician; and pronounce authoritatively that he has mistaken the nature of the case, that the disease is not what he has supposed it to be.

Much of the usefulness of the institutions for the preservation of the public health depends upon the confidence which is reposed in them and their officers by the public. In this

respect we have been greatly deficient. It is said by the board of health, in reference to the sickness last year, that 'it is much to be regretted, that public opinion, *for a time* was not more sufficiently regulated, by a confidence in the vigilance and exertions of those persons whose peculiar duty it was to watch over the health of their fellow citizens.' Those who remember the first measures adopted by the board,—the attempt to cast an odium upon the conduct of some of our best and most distinguished physicians, because they expressed their honest and *well founded* opinion of the character of the disease,—and the complaints, because this opinion was given in answer to the anxious inquiries of the friends and neighbours of the dying, before it was communicated to the board, will not be at a loss to account for this want of confidence. It was not so much a distrust of 'the vigilance and exertions' of the board, as it was an apprehension that the extent of the danger was attempted to be concealed from the public.

It is the besetting sin of boards of health, to carry their guardianship too far; and ours has partaken deeply of the error. There has been much mystery and concealment in their conduct. They seemed to regard us common people, as children whom it was not safe to trust with a view of all the dangers by which we were surrounded. Even in that report which was avowedly intended as an explanation of all the circumstances relating to the disease from the ship Ten Brothers, the whole truth is not told us. We are permitted to trace each movement of the ship, by its date, until her arrival at quarantine, and again after she was ordered away from the wharf, but we must go elsewhere to learn that she lay at quarantine no more than three or four days. The important fact, that the ship which arrived at quarantine the 26th of July, came up to town the 1st of August is no where stated in that report. We would be far from imputing every obscurity in the style of the author of that report to a design to conceal the facts. But in this case there is such particular attention paid to dates in every other part of the report, and so much evident circumlocution to avoid mentioning them in this essential point, that we are forced to the suspicion that it was intentional.

There is no way to secure the confidence of the public, but by an openness of conduct to show them that they are

not deceived. They must be themselves trusted with the whole extent of the evil and danger. If any part, however small, is kept back, and is afterwards discovered, they at once imagine that the half is not told them.

Whether it will ever be possible to guard so effectually against the causes of the yellow fever as to prevent its recurrence among us, cannot be determined. We have the more reason for earnestly desiring to do this, since the cold of our winters removes the partial protection which might otherwise be derived to the inhabitants of the exposed places from becoming accustomed to its atmosphere. These places, however, have hitherto been confined to so narrow limits, and the periods are so unfrequent when even these are affected, that we cannot but hope to find means of eradicating the power of producing the fatal poison.

ART. XXI.—*Trial of Stephen and Jesse Boorn, for the murder of Russell Colvin, before an adjourned term of the Supreme Court of Vermont, begun, &c. Oct. 26, A. D.* 1819; *to which is subjoined the particulars of the wonderful discovery thereafter of the said Colvin's being alive, &c.* Rutland, pp. 32.

THE mysterious circumstances of this case have made it the subject of much public attention. It will be one more added to the examples of erroneous convictions founded on circumstantial evidence; and wherever its fame may reach, it will probably be urged, in all future trials, as an argument for obstinate and undistinguishing scepticism. Such instances are unfortunate, for they tend to diminish our trust in the judicial investigations of crime, and thus increase the chance of escape to actual offenders. When we see men convicted, as were the Boorns, partly on their own confessions, for the supposed murder of one who still lived, and had passed several years at no great distance from the place of trial, we are ready to think, that there are no safe and adequate means of detecting the crimes, which no human eye beholds; and that in all capital convictions, there is the greatest danger of involving the innocent in the fate of the guilty. Yet, when we consider how rare have been the instances, in which deliberate convictions upon competent testimony have fallen upon the guiltless, we shall find reason to conclude, that cas-

ual exceptions ought not to shake our confidence in the general rules of evidence. Mistakes, it is true, may now and then be made. But it ought to be remembered, that positive testimony will deceive at least as often as circumstantial proof; and that the errors and frauds of witnesses are not less to be guarded against, than the imperfections of human reason, in estimating the weight of probabilities.

Great indeed should be the caution, when the life of the accused is to pay the forfeit of his guilt. But we ought not to demand that degree of certainty, which is not often to be expected in human affairs. To require it in the administration of criminal justice would be to dissolve society, and leave all crimes without restraint. 'If courts of justice were never to inflict punishment, where there was a possibility of the accused being innocent, no punishment would in any case be inflicted.' These are the words of that most zealous advocate of mild laws, Sir S. Romilly. The civilians hold a similar language, and even in capital cases allow to circumstances clearly indicating guilt all the effects of the fullest proof. The Judge, says Huber, may consider the crime to be sufficiently established,—'quando circumstantiæ factum immediatè præcedentes et consequentes ita reum premunt, ut tametsi corpus ipsum facti non extet probatum, sic tamen undique conclusum et coarctatum est, ut ab alio quam a reo perpetratum esse nequeat; certitudine tamen morali, non physica, quæ scilicet ejusmodi sit, ut contrarium planè sit impossibile.' *(Prælect. lib.* xxii, *tit.* 3.*)*

Yet in the civil, as well as in the common law, the rule is, 'præstare sontem dimitti, quam innocentem damnari.'

It has been urged, that circumstantial evidence is liable to a double uncertainty; first, to all the danger of falsehood in witnesses; and secondly, to all the mistakes that may be made in reasoning upon and comparing the circumstances supposed to be proved. But there is a fallacy in this. It is hardly possible for any human ingenuity to contrive a series of feigned circumstances, which will agree perfectly with one another, and with other circumstances. It requires a foresight and vigilance, for which few minds are competent. And most commonly, the best compacted edifices of falsehood are crumbled into dust at the touch of some stubborn truth, which the builder entirely overlooked. Besides, when different facts, testified to by different witnesses, form a connected chain, and

when every new discovery falls easily in, and connects itself with what was before known, there remains hardly a possibility of imposture. A variety of circumstances, then, all concurring to fix the guilt upon the person accused, is a surer basis of conviction, than any declaration of a witness, however positive, to the actual perpetration of the crime, unless that declaration be itself confirmed by collateral evidence. It will happen in most cases, that the circumstances are proved by many witnesses, to whom no suspicion of mistake or fraud can attach; by disinterested spectators, or by those, whose duty has called them to the scene. The slightest falsehood would be instantly detected and exposed. The secrecy which envelops the crime cannot extend to many previous and subsequent facts, which, though not necessarily connected with it, may confirm or refute the allegations of the accuser or accused. An example perhaps may best illustrate our meaning. Huber (*Prælect. lib.* xxii, *tit.* 3, *n.* 4,) states the case of one Castello, who, after residing for some time at Harlingen, went out at midnight from his lodgings on a night in which a house in that city was entered through the windows, and a large sum of silver money was stolen and carried away. This man with a chest and a crowded portmanteau went early in the morning into a passage boat, and there remained for an entire hour before the usual time of departure, which he had not been known to do before, his practice having been, if he happened to arrive before the time, to stay at the inn. He now sat with his face muffled, and, contrary to custom, kept near to his chest and portmanteau. During the passage, he was anxious, and so repeatedly inquired, how soon they should reach Lewarden, as to be troublesome to the sailors. If any one touched his portmanteau, he was impatient, and sharply forbade him. Having gone from Lewarden to Workum, he was there arrested with all the money stolen that night. When questioned how he came by the money, he answered that it was given to him by a Frenchman at Lewarden. Now here is no positive evidence of Castello's having committed the crime; but there are circumstances, both before and after the robbery, all of them such as must have been known to many persons, far more satisfactory than the unsupported testimony of one or two witnesses, that they saw him enter the house, and come from it again with the money.

Cicero relates a case in which the conclusion drawn from a single circumstance saved two young men from a most ignominious condemnation. 'Clœlius, a man of some note, retired to rest in the same chamber with two youths, his sons, and was found in the morning murdered. There was no one, whether bond or free, that with the least reason could be suspected of the crime; and the two sons, though they lay so near, declared that they had perceived nothing. They were accordingly accused of parricide. What then? The transaction was suspicious. Was it to be believed, that neither of them knew what happened? Was it probable, that any one dared to enter the chamber at a time, when there were in it two young men, sons of the person intended to be murdered, who were able both to discover the attempt, and to defend him? There was besides no one else, that could be suspected. Yet, when it was clearly shown, that the young men, on the opening of the door, were found fast asleep; they were acquitted, and discharged from all suspicion; for it was thought impossible, that any one could commit a crime so unnatural and cruel and immediately sleep; but that a man thus atrociously guilty would not only be unable to rest in quiet, but even to breathe without fear.' These examples show the importance of circumstances in the discovery of truth. And it ought not to be forgotten, that circumstances are often the only safeguard of the innocent against malicous accusation.

But to remove as far as possible the danger of mistake, various limitations and restrictions have been adopted which experience has proved to be of great utility, in guarding the mind from a too ready acquiescence in proof of this nature. It is probable, that in most of the remarkable examples so often quoted, could the circumstances be fully known, it would appear, that some one of these rules had been violated. We shall not attempt to enumerate these salutary principles of evidence. The judicious caution of Lord Hale, however, is too applicable to the case of the Boorns to be omitted. 'I would never,' says he, 'convict any person of murder, or manslaughter, unless the fact were proved to be done, or at least the body found.' This also is the rule of the civil law. 'Ante omnia enim de corpore delicti constare, et inquiri debet.'* Had this rule been strictly adhered to, it is probable

* *Van Leeuwen. Cens. For.*

that the mistake in this case would not have happened. The same remark will apply to some of the other cases of conviction of the innocent, which are so often urged against circumstantial evidence.

The *motive* is another ingredient in the composition of crime, the presence or absence of which ought to have great influence in determining the weight, which should be given to collateral facts. 'Neminen ne minimum quidem maleficium sine causa admittere'* is the counsel of experience and common sense. No man was ever wicked merely for the sake of being so. If then, upon a diligent examination of the case, there appears no inducement for the party accused to commit the deed, and no probability of its being the effect of a sudden passion, the strongest and most complete evidence should be required to produce conviction.

From the very imperfect report of the trial of the Boorns, which is now before us, it would seem, that their conviction was grounded chiefly on their voluntary confessions. One of these confessions was testified to by one, who slept in the same room with Jesse Boorn in prison. It was said to have been made in the night, when Jesse awoke, appeared much disturbed, and made the disclosure. The other confession was in writing, and was rejected by the court, but afterwards called for by the prisoners' counsel, to explain the oral testimony of a witness, who related a subsequent conversation of Stephen Boorn with him. Both these disclosures describe minutely the manner of the death, and the disposal of the body; its being buried, and the remains twice removed; and various other particulars of the transaction. There are differences between them, and it is probable that Jesse's confession was made with the purpose of screening himself and casting the guilt on his brother, and that Stephen's, which was made afterwards, was designed to save them all from the punishment of death, and to substitute that of manslaughter. That some promises and inducements were held out to obtain written confessions, was proved; and persuasion at least had been used, before the other was made.

It is, doubtless, a very common opinion that the confession of the party accused is the highest species of proof. 'Out of thine own mouth will I judge thee,' is the process which most men prefer to all others. There is something gratify-

* Cic. pro Sex. Ros. Amer. c. 26.

ing in the thought of making the party become his own accuser, and leaving to his judges only the office of pronouncing sentence. It takes, as it is supposed, all the responsibility from the ministers of justice, and puts a stop to all complaint. But this is far from being the light in which confessions ought to be regarded by the tribunals for the prosecution of crimes. A judicial confession, made and persisted in understandingly and soberly before a competent judge, is indeed conclusive. But an extrajudicial and voluntary avowal of guilt is ever received with great caution, and is entirely open to contradiction or explanation. It furnishes evidence against the accused in proportion to the fairness and deliberation with which it is made, and no farther. It must be the voluntary act of the prisoner, unmoved by promises or threats; and great allowance is always to be made for the state of mind produced by the situation in which he is placed. It is to be scrutinized with the especial view to guard courts and judges against being made instruments of self-murder; for instances have occurred not unfrequently of crimes actually committed or falsely avowed with this horrible design. 'The confession of a criminal,' says Eden,* 'when taken even before a magistrate, can rarely be turned against him without perverting the end for which he must be supposed to have made it. Besides we have known instances of murder avowed, which never were committed; of things confessed to have been stolen, which never had quitted the possession of the owner.'

Non auditur perire volens is therefore the maxim of the law. Even the plea of *guilty* is never recorded, till after repeated warnings and admonitions, and an inquisition into the prisoner's state of mind.

In France, before the revolution, an extrajudicial confession was regarded only as inchoate or initiatory proof, and was not alone sufficient to convict. It might be enough, if supported by other proof, to subject the party to the *question* or torture, as long as that horrible mode of discovering crimes was practised; but even the avowal made under torture might afterwards be revoked without incurring additional guilt, 'it being presumed that the violence of the pain may have made the accused declare what was not true.' And by that law, a confession to be used against the person making

* Penal Laws, 167.

it, 'must be made freely by a person competent to make it, must be certain and determinate, and must concern a fact not evidently false.'

There is the greatest reason for this cautious reception of the confessions of criminals, for it is proved by many melancholy instances, that such confessions often proceed from fear, melancholy, disgust of life, or other causes, which disturb and delude the imagination. How common and how absurd were confessions of sorcery in former times! The condemnations for this crime, which took place in New England in 1692, are well known to have been generally preceded by acknowledgments of the persons accused. Many recanted, but so strong was the popular delusion, that others died confessed sorcerers.* Nor has this folly been confined to our own country, or to those times. 'Nothing,' says Eden, 'was more common in the beginning of the last century, than confessions of witchcraft.' Sir James Melville mentions several instances in the prosecution of Earl Bothwell; and though rather a sceptical man, was candid enough to believe them. The poor women were accordingly burnt, and posterity was furnished with a very accurate description of the devil, who is said to have appeared 'in a black gown, with a black hat on his head, in the attitude of preaching.'

France too shared in this delusion. The case of Magdeleine de la Palud, which occurred in 1653, may be selected for its singular interest. This unfortunate lady, it seems, having been left with an abundant patrimony, and possessed of a rare beauty, devoted herself to acts of piety, and of the most zealous charity. She erected a chapel on her estate, and furnished it with the most precious relics. Her devotion was constant, and had all the marks of unfeigned sincerity. She visited and relieved the sick for many miles around her; went to all the neighbouring villages and instituted schools in them for the instruction of the young; she herself was unwearied in giving lessons of piety and virtue to the poor, and relieving their wants by her personal attention. There was no act of christian sympathy, which she did not habitually practise; no virtue, which was not displayed in her life; no self-denial, which seemed too great for her benevolent zeal. If any one might hope to be universally loved and admired, it seemed to be Magdeleine de la Palud. But a peasant girl

* See Hutchinson's Hist. vol. ii, p. 39.

passing her chapel heard her mutter some unintelligible words; she attempted to sprinkle herself with the consecrated water, and she felt an invisible hand repel her from the basin. Instantly she was seized with such feebleness as hardly to permit her to walk. She was afflicted with strange disorders, and frequent convulsions. The most learned physicians were requested to examine and report upon her case; and after many visits and consultations, they decided that the peasant girl was possessed by an evil demon. The girl's declaration pointed out Magdeleine as the author of the mischief. It was currently believed, that this lady had been espoused by Gaufridy, who a little time before had been clearly proved to be an evil spirit, and was called the Prince. She was arrested, imprisoned, interrogated; her chapel searched and all her effects seized; and a process instituted against her as a witch. She confessed, 'that she had been possessed of a demon, but declared that it was without her consent, and that no mark had ever been impressed upon her person.' At another examination, 'she admitted, that an angel dressed in white and red had conversed with her; and she could not tell but he might have been a bad angel, who had transformed himself into an angel of light.' It was in vain that Magdeleine alleged her piety and her alms; in vain that she appealed to the unspotted purity of her life. These acts, which under other circumstances would have procured her the honours of a saint, now caused her to be treated as a hypocrite. She was pursued with a more furious zeal on account of the cloak of sanctity under which it was supposed she had attempted to hide her diabolical practices. She was finally sentenced 'to be and remain shut up within four walls, there to pass the remainder of her days.'

The epidemic of witchcraft is not likely to recur, but the same dread of popular resentment may still in some cases induce suspected persons to acknowledge crimes of which they were never guilty.

Nor is it only when there is some strong and general persuasion of plots or sorcery, of conspiracies among evil men or evil spirits, that accused persons are driven to the madness of bearing false witness against themselves—'suo se confessione ultro jugulantes.' History furnishes us with many other cases. The few we shall produce are from the writers of the civil law.

'Nor are examples wanting,' says Van Leeuwen,* 'of innocent persons rashly condemned on their mere confession, whose innocence has afterwards been made manifet. Such an instance is recorded by Annæus Robertus (Rer. Jud. lib. 1. cap. 4.) in the case of a countryman. A widow woman, who had for a long time been absent from her home, without being seen or heard of in the neighbourhood, was commonly believed to have been murdered by some ruffian, and the body concealed. Just at this time the countryman was found by the magistrate in his search after the murderer lurking in a marsh, and trembling with amazement and fear. He was arrested on suspicion, dragged before the judges, and without any terror of *the question*, or any anguish of torture, but either from despair, or else from a carelessness of his safety and a willingness to perish, acknowledged the crime, was convicted on his confession, and condemned to the gallows. Two years afterwards the return of the widow woman, not only alive, but without having received so much as a wound, proved the innocence of this unhappy man.'

Not unlike this is the case of a youth at Amsterdam, who, after a murder had taken place in the night, was found in a state of intoxication stretched upon the bench of a tavern, with a bloody knife rolled up and concealed in his clothes. He was apprehended, subjected on this evidence to torture, and persuading himself that in his drunkenness he had unconsiously committed the act, he confessed the crime, and was condemned to death. Afterwards the real perpetrator being arrested for some other crimes, declared himself to be the guilty person.'

Heineccius in a treatise 'upon the duty of judges in respect to the confessions of criminals,' tells us of one, 'who, unsuspected of any crime, voluntarily confessed that he had formed a league with an evil spirit. Being, consequently, in the year 1695, summoned before the tribunals, not only did he avow that league, but accused himself of the most horrible crimes committed in company with his master. He declared that transforming himself into various shapes, he had murdered men, robbed dwellings, and perpetrated other enormities. He said, that in the form of an apple, he had been thrown by his master through the window into a dwelling-house, and there had either torn in pieces the inhabitants

* Cens. For. par. 2, lib. ii. cap. 7.

who ate of the apple, or by the part which they had left being suddenly changed to flesh before their eyes, had so terrified them, that they soon after died of the fright. He added, that sometimes taking the shape of a bird, he had snatched infants from their cradles, and plundered houses, and at last, when he was tired of doing mischief, had lain safe in his master's ear, who meanwhile had turned himself into an ass. He told numberless other stories, equally absurd, which may be passed over. But when the magistrate of the county, where this second Proteus declared that he had slain so many men, carried away so many children, and committed so many thefts, was directed to inquire more carefully whether such things had really happened, the whole vanished into smoke, and this self accused thief declared, that he had had no other object, than by this daring falsehood to gain celebrity to his name.'

The same author adds another example, which is more immediately to our purpose. 'In one of the villages of Friesland a woman died suddenly, and common fame cast upon her husband the suspicion of having poisoned her. He was imprisoned, and voluntarily confessed, that he had given to his wife poison, which he bought of an apothecary at Dockum mixed with a cake; that immediately after taking it, she complained of being ill, and after a fruitless attempt to produce vomiting, expired in great pain about four o'clock in the morning. He added various circumstances attending the crime, and among them, that he had buried a part of the poison, wrapped in paper and tied with thread, in a field adjoining his house, and covered the place with green turf. Yet, when the circumstances were carefully inquired into, all or most of his representations were found to be false. The physicians found no marks of poison in the body, none was bought of the apothecary named by the accused, nor could any remains of the poison be found in the field, though the man himself was carried into it, and examined almost every sod.'

Examples of this sort abundantly justify the humane caution of the civil law, in regarding the confession of the criminal as insufficient of itself to authorize a capital conviction. The common law admits the confession in evidence, if made freely, and in such manner that there can be no suspicion of the party's having been induced by persuasions, promises,

or threats. It may still be contradicted, and, as in the civil law, 'tantum præsumptio vel gravior vel livior pro circumstantiarum varietate contra confitentem nascitur, revocarique potest usque ad litem contestatam.' But the condition before mentioned should always be strictly required, before condemnation is passed; namely, that the fact itself, which is the substance of the crime, should satisfactorily be proved. In the Jewish law, the confession of the accused was considered as equivalent to the testimony of two witnesses, required in other cases. Thus Joshua condemned Achan upon his confession, but not before he had sent messengers to Achan's tent to ascertain the truth of his confession in respect to the embezzled spoils,—'and behold, it was hid in his tent, and the silver under it.'* So when David said to the Amalekite youth, 'thy blood be upon thy head; for thy mouth hath testified against thee,'† it was certain, that Saul had been slain.

Justice Foster‡ contends strongly against the admission of any confession in evidence, unless 'made during the solemnity of an examination before a magistrate, or person having authority to take it; when the party may be presumed to be properly upon his guard, and apprized of the danger he standeth in.'—'For,' he adds, 'hasty confessions, made to persons having no authority to examine, are the weakest and most suspicious of all evidence. Proof may be too easily procured, words are often misreported, whether through ignorance, inattention, or malice, it mattereth not to the defendant; he is equally affected in either case; and they are extremely liable to misconstruction; and withal the evidence is not, in the ordinary course of things, to be disproved by that sort of negative evidence, by which the proof of plain facts may be and often is confronted.'

It would be difficult to answer this reasoning; and it ought at least to prevail so far, as to induce the tribunals where criminal justice is dispensed, to be on their guard against that dangerous error, which inclines us to construe whatever admissions the accused may have made, most strongly against himself; and in some measure to triumph in his self-condemnation. Let them be careful how they exclaim upon such occasions, 'what need have we of any further witness?'

* Josh. vii. 22. † 2 Sam. i. 16. ‡ Disc. of High Treason, ch. 3.

But it would be hardly less unfortunate, if examples like that of Russell Colvin should produce hesitation and timidity, instead of caution. When properly considered, this case is far from furnishing any good reason for doubting conclusions founded on the long established rules of evidence, applied deliberately, and with the desire rather to acquit, than to condemn.

ORIGINAL MISCELLANY.

[We take pleasure in the opportunity of laying before our readers the following extract from the journal, kept by a friend in a tour through Greece last summer. Our readers, who are acquainted with the books of the travellers in Greece, will see that most of the statistical details contained in this extract are derived from original sources and personal inquiry on the spot. We are also happy in being able to announce, that a work on the statistics of Italy, composed from very ample original materials, collected in the years 1818 and 1819 in that country, will appear in the course of the ensuing season, from the author of the following article.]

VISIT TO JOANNINA AND ALI PASHA.

Corfu, April 8, 1819.

The boat, which was to take us over to the Albanian coast, was rowed by four men dressed in the Greek dress. The pilot was a Neapolitan, who spoke English and French. He had been in the service of Murat, but was taken prisoner at the time of his overthrow, and had been suffered to have his liberty, only on conditon of leaving the kingdom of Naples forever. He had been in St. Domingo, Philadelphia, New York, and Boston; and he was now employed by the government of the Ionian Isles. But one needs not come as far as the sea in which the island of Ulysses stands, to find men of all countries, condemned to long and wide wanderings on the earth, and consuming among strangers, far from their homes, an uncertain and wearisome existence. Indeed, it is given to very few to repose under the shade of their own beech-tree, and cause the woods to resound with the name of the beautiful Amaryllis. M. de Chateaubriand found, in a convent at Bethlehem, a poor monk from Brittany in France. This unhappy man said to him, 'who now remembers me in my

native country? I hope to obtain through the merit of our Saviour's manger, the power of dying here without giving trouble to any one, and without thinking of a land, in which I am forgotten.' By the rivers of Babylon, there we sat down, yea, we wept, when we remembered Zion.

Our interpreter sat in the head of the boat. An Athenian by birth, he had followed a British officer to Egypt, at the time of the invasion of that country by the French. He had married and buried one wife in Sicily, and at last had established his little bivouac in Corfu, where he lost no time in marrying another wife. This poor fellow was observed to have a very disconsolate air. I know not if it came from sea-sickness, or an unwillingness to leave his wife and country. At any rate, to us, who were then so far from our native village, who had sojourned so long in the land that knew us not, and who were then about to undertake a pilgrimage of infinite hardship, if not of much real danger, it was truly refreshing to see the eye, even of this poor Greek, moisten at those thoughts, which so often come to weigh heavy upon the heart of the traveller. It was about 1 o'clock when we passed the high citadel of Corfu, aërias Phœacum arces, as Virgil calls it. We steered for Sagada, directly across the bay, that separates Albania from the capital of the Ionian Isles, about twelve miles distant. The first sounds we heard from the shores of Greece were the bells of goats, coming down at night-fall from the mountains. Soon after we saw the Greek shepherd boys, with those shaggy great coats, which have been already so much famed, both in prose and rhyme, thrown over their shoulders. At this moment we rowed into a little bay, where there were four or five small Greek boats, a small wharf, and two wooden sheds. These sheds were the custom-house and the habitation of a score or two of Greeks and Albanians, who were standing on the shore. The health officer, who had come with us from Corfu, to prevent all communication between the crew of the boat and the shore, threw upon the beach the letter which had been given us by the Albanian Resident in that island. Whereupon, a tall, lean, broad-shouldered man, a small red scull-cap upon his head, a dirty sheep-skin over his shoulders, two long pistols and a longer dagger thrust into his girdle, and indulging himself in no sort of covering, either for his legs or feet, though he was an officer, and pretended to be a descendant of the Macedonians, and moreover

it was then night, and the snow was upon the tops of the mountains, came forth from the multitude, took up our despatch from the ground, and forthwith departed with it to the shed. Soon after another shaven head, also with a red cap upon it, thrust itself out of a hole in the shed, and cried out to the Franks to present themselves. We were accordingly marshalled into the presence of the aga; the room was raised a few steps from the ground, small, black with smoke, and standing in no want of windows for the admission either of air of light. Several of the coarse muskets of the country were hung on the walls; part of the floor was covered with a straw mat, and one corner of it with thin matrasses, upon which was spread a very gay carpet of various colours. There the aga had encamped, one leg drawn entirely under his body; and holding the great toe of his left foot in his right hand. There was a scribe seated cross-legged, upon the mat, writing with such eagerness, that he did not move his eyes, when we entered. It was a question of some difficulty, where we should bestow ourselves, inasmuch as no chance or peril in all our journeyings had hitherto called upon us to sit on our hams. But the aga, with infinite presence of mind, bethought himself of a large old trunk, that had probably been thrown ashore in the shipwreck of some Venetian argosy, and which doubtless contained, not only all the wardrobe of himself and garrison, and all the archives of his office, but all the ammunition of his fortress. And I make bold to say, that among the Mahometans, who believe that no spark falls, but by the hand of Allah and the true prophet, no judicious traveller would sit of his own accord over a barrel of gunpowder. The Corfiote boat was by this time pulling out of the little bay, leaving us on the edge of this infected land, about which the states of Europe have set a relentless quarantine, an unknown language, a different dress, in the midst of a people, who shave their heads, sit upon their hams, and eat with their fingers. Here, of all nations, Franks are detested and feared, and the poor, despised christians have no longer Areopagites cleaving unto them, and apostles, who, standing in the midst of Mars Hill, dare proclaim the true God to the surrounding unbelievers. You have now left the great resorts of travellers, those long caravans of pilgrims, not indeed bearing the cockle shell and palm branch, but galloping at a furious rate from one picture gallery to another,

and changing their climate and their nation, almost at every change of their horses. You have left too those magnificent roads, over mountains, where legions of all nations have toiled and perished in all ages, but along which, man, not succeeding after all in overcoming every obstacle of nature, has been forced to build houses of refuge, to shelter the unhappy traveller from the mountain storms. On the contrary, you have come to the impoverished and almost desolate regions of the earth. How often in these regions does one pass, upon the brow of a hill, the small grave-stones of a Christian or Mahometan burying ground, partly hidden by wild grass and shrubs, while not the least trace of a town or village can any where be seen; rough and narrow paths over steep mountains, and wretched Greek houses, in which there is neither chair, table, nor bed, and where the miserable mothers often shut the door upon your face, looking upon you as new oppressors, come to plunder them of their little substance. Bards may have been fed by bees, and prophets by ravens, but travellers——

A eunuch, with silver-wrought pistols and a long dagger in his girdle, offered us little cups of coffee, an unfailing hospitality in these countries. One never enters a house at all respectable, without this offering, and generally preceded by a small spoonful of sweetmeats. The richness of the cup and spoon depend upon the wealth of the house. In the mean time we remained on the ammunition chest. The aga discussed our plan of going to Joannina, the capital of Albania, three days' journey across the mountains, offered to give us beasts and a guard to conduct us that night to the first village on the road, five hours from his habitation, or he offered us any corner we might please to choose of his own dungeon, till the morning. But the night was not dark, the jackasses were braying in a neighbouring pasture, the tall Albanian stood ready to accompany us,—his long arquebuse hanging from his shoulders, large pistols in his girdle, and looking fierce enough to frighten all the forty thieves. Moreover, the reader may not be aware, that besides the aga and his secretary, and the Franks, there were the deputy collector, and his clerk, the black eunuch, and at least three soldiers, who had the best possible right to pass the night in the aga's drawing-room. But nobody worked so intensely as the hard faced secretary. He wrote several papers, which the aga

approved, taking off a ring from his little finger, covering it with ink, and then stamping it upon the paper. These seal-rings generally contain a short verse from the koran, or the name of the wearer; I believe never a device, particularly of any living thing, as all representations of men and animals are forbidden by Mahometan laws. One of the seals of Mahomet was a small round bit of iron, with this legend, 'Messenger of God.' By the Mahometan laws, no instrument is legal, unless sealed, as well as signed. All men in authority in the East wear rings, and anciently, as well as at present, it was the universal manner of signing. 'And the king took his ring from his hand, and gave it unto Haman, the son of Hammedatha, the Agagite, the Jews' enemy; in the name of king Ahasuerus was it written and sealed with the king's ring.' Augustus Cesar used the head of the sphinx, as one of his seals, and the frog of Macænas was much dreaded in the Roman empire, calling upon the people for more money and tribute. The feudal lords, from ignorance of writing, made the sign of the cross; and I have seen an instrument, dated 1813, in the name of a Sicilian marquis, grown to man's estate, upon which, this nobleman, being unable to write, made the sign of the cross.

While preparations were making for our departure, the aga undertook to regale us with a supper; a small wooden tray, about four inches high, was put upon the floor by his carpet, at which he, the scribe, and the two custom officers, were about to arrange themselves; so that one will conceive that few negotiations could have been more difficult, than for two Europeans to bestow their legs near enough the tray to have a reasonable share of the supper, and yet, whenever the spirit or the cramp prompted them to thrust them to the full length of which Nature had seen fit to make them, without overturning the tray in front, or a collector or a scribe on one side. A barefooted slave brought a basin, furnished with a colander fitted into it, and in turn poured water over the hands of each person. One need not be reminded, that this is an ancient oriental, as well as Roman practice. The water changed into wine at the marriage feast of Cana by the miracle of our Saviour was put there 'after the manner of the purifying of the Jews.' But it is somewhat singular, that on another occasion the disciples should have departed from this domestic and universal custom. 'And when the Pharisees saw

some of his disciples eat bread with defiled, that is to say, unwashed hands, they found fault.' There are appropriate prayers by the Mahometan law to be said with the appointed ablutions. In washing his hands the strict Mussulman says, 'O my God! put me in the number of the penitent, of the purified, and of thy virtuous and just servants.' In washing his mouth and nostrils, he also prays, 'O my God! perfume me with the perfume, the good perfume of paradise; enrich me with my riches, and load me with thy delights.' For his face, 'O my God! whiten my face with thy splendor, in the days when all faces shall be whitened, and do not blacken it in the day when all faces shall be blackened.'

Our Albanians washed their mouths, and hands, and mustachios very faithfully, a circumstance not at all to be regretted, when one knows the manner, in which the dinner was about to be administered. The black eunuch, evidently the chief personage in all the domestic operations, first appeared with a small plate with a few dried figs upon it; he tore an orange into little bits, sprinkled sugar with his fingers upon each one, and then with a most entreating air offered it round the tray. Another barefooted boy, dirty in the extreme, gave a strong cordial, of the nature of anise-seed, all from the same glass. I wish to do justice to the hospitality of the aga, and the politeness of his eunuch, but it must strike every impartial person, that the beginning of a feast cannot be very cheering, when every man drinks from the same glass, and eats from the same fingers. But it is the custom of the country. The Grand Seignor, as well as the lowest slipper-maker, has never eaten but with his fingers, since the foundation of the Ottoman empire.* I recollect speaking about this matter a few days after to Prince Chanjery at Joannina, one of the interpreters of the Pasha; he told me that his highness used a spoon or his fingers, according to his caprice, or the quality of the food. Stews, ragouts, and such dishes, he ate with a spoon; but legs of mutton, roasted turkeys, fowls, and all solid articles, he ate with his fingers. Our main supper was of mutton, cut up into little pieces, or as Sandys calls it, 'little gobbets, pricked on a prog of iron,' and hung in a

* It is a curious fact, which we have on the authority of the celebrated French savan Huet, that so late as the earlier part of the reign of Louis XIV in France 'every body eat soup out of the same dish, putting the spoon from the dish into the mouth, and from the mouth into the dish.'

furnace, fish boiled, great bits of white cheese, and rice with milk. The eunuch, not altogether unlearned in the ways of other nations, had bestowed upon each of us a wooden plate, upon which the aga piled a great quantity of the fish and other matters, and then helped himself with his fingers to a *gobbet* of mutton, whereupon each Albanian instantly plunged his fingers into the dish, that pleased him, soaked his bread in the sauce, and continued to eat with good animation and appetite. A slave stood at the side with a great wooden bottle of wine and a solitary tumbler, which he constantly filled for the good Mussulmen. As the hearts of these kind Albanians happened to grow warm, they would seize a whole handful of the cheese, and plant it upon one's plate with a look, as if they thought that they were doing honour to their guest, and to their county too. The tray was then drawn into a corner, and while the barefooted boys were pouring forth another ablution, the eunuch, like a trusty steward, very industriously put into a great bag every thing, which had remained after dinner.

It was about 10 o'clock when we departed. The aga put his hand upon his heart, and prayed, 'that alla might protect us.' The caravan was formed of two horses, three jackasses, and six mules for our party, guard, and baggage; an ass for a Greek merchant of Joannina, returning from Corfu, and another for a young Venetian opera dancer, who was going to get half of the pay in advance, which the Pasha had promised to a company of Italians, to dance at the wedding of his grand-children. For the first mile, we went along the seashore, and after that we turned to the right, and entered a path over the mountains. This was the moment, for those who love to dream of their own country, then so far distant; or of the ancient glory of that famous land, upon which they were then treading; and what was its solitude, its waste, and its silence at that hour? After marching four or five hours, we entered a scattered village, and the guard got down and knocked with the end of his musket at the door of a small house. The whole caravan entered a narrow court yard, where there appeared a Greek, holding in his hand an earthern lamp, made precisely after the ancient form. In the room within, there was a small figure of the virgin Mary, with a lamp burning before it. Such an object is worth much to the feelings of a traveller; it awakens at least one

emotion of sympathy and confidence in the poor, barbarous and strange people, among whom chance may have cast you. We had just left a land, where such objects are seen at the corner of every street, but where a thousand other circumstances make it clear at every moment, that one is not in a heathen and unknown land. In the main, it is all the land of the cross, of laws, regular government, and of uniform customs; so that such objects, inasmuch as they differ from one's habits and notions about the great concerns of life, may be rather revolting than touching. But now they formed the only link between us and the institutions of the countries we had left. The Turkish guard, Joannina merchant, and opera dancer drew off their boots, and of one accord, placed themselves under the protection of the virgin for the night. There was an evil, however, which we then, for the first time felt, and against which we were obliged to seek another sort of protection. I mention this night as the first of a joust, which we were forced to tilt against a certain small inglorious foe that shall be nameless, every morning and evening, during our whole progress through Greece. It is true, such contests commonly ended by putting about two scores of this afflictive enemy 'hors de combat,' but one would have thought that he was constantly over the spot, where dragons' teeth had been sown in the earth. Nay, I have seen stout and vigorous Englishmen, who had fed lustily on the quails and manna of their own fat land, well nigh suffering martyrdom under the bites of these petty Cannibals. 'Diavolini pulci, che mi tormentate tanto.' I will just say here, that whoever intends to go to Greece, can carry nothing more useful or comfortable, than a camp-bed standing upon iron legs two or three feet from the ground; for though the salient power of this adversary seems in inverse ratio to the insignificance of his size; the bed is nevertheless a considerable security, and saved us from many a fever of the brain and body too.

April 9. In going out of the village this morning, soon after the sun rose, we passed a Turk, richly dressed, sitting upon a carpet, under a fig tree just budding. He was smoking, and several attendants were standing near him. I know of no European habit of life so picturesque, as the Eastern one, of sitting in loose garments in the open air, sheltered from the sun, by trees of deep and full foliage; it

breathes such freshness and purity, and withal the utmost freedom from restraint or preparations. A Turk, on a journey, seldom passes an ancient and wide spreading plane tree, without stopping to spread his carpet, and waste an hour in smoking. Surely the gayest drawing-room with the richest furniture, the choicest grace, animation, and luxury of the most polished life will never utterly subdue the charm belonging to the cheerfulness of the fresh open air, the trees in full leaf and blossom, and to those 'brawling brooks,' where the 'poor sequestered stag' comes to languish. It has been chiefly left to poets to celebrate Arcadia, but various statesmen and philosophers have at all times done homage to the delights of the country. They have fled away from Athens and Rome to the vale of Tempe, or to Baiæ. Soon after, we met a man, well dressed, wearing a sword, and followed by several attendants. We were told, that he was travelling to collect money for the Grand Seignor. All well-dressed men, at all accompanied, that we saw after that, were sure to be upon the same errand. I do not ever remember to have heard it said of any messenger coming from Stamboul that he was going to pay money. This day the country was barren and full of rocks, chiefly mountains, narrow valleys, and with a thin soil: a few small huts, made of rough stones, principally thatched with straw. We saw a few peasants in sheep-skins, all with guns and pistols, and many women carrying very heavy loads of wood on their shoulders, and knitting as they went along; very few small spots of thin oats and barley. In the room, in which we slept this night in the village of Valchesti, there was a good stock of ears of Indian corn hanging from the roof. Here the guard undertook to make the sacrifice of a lamb. After being killed, cut open and cleaned with his dagger, a pine stick was run through the body, and a boy made to sit cross-legged to turn this hopeful roast against a fire, built by the side of the house in the open air. During the whole evening, the guard bestowed blows with the flat of his dagger, or his whip, according to his caprice, upon all the natives who approached him. He beat an unhappy priest with his whip three several times, who had returned, as often from a forage in the village, for eggs.

April 10. On attempting to enter a hovel this morning to rest and breakfast, the wife shut the door and bolted it with

the utmost violence. A large dog, chained in the yard, began to bark and yell; an old priest, with only one eye, put forth his arms, and seemed to be invoking the heavens to save his cottage from the inroad, and four or five small children of one accord, set up a terrific shriek, as if it had been the murder of the innocents. The only creatures unconcerned in this uproar were our own jackasses, who, I have observed, always appear equally indifferent, whether others or they themselves are beaten. This was the fourth hut in the village at which we had applied for shelter. The guard became furious; he drew forth his long flat dagger, a weapon to which he never failed to resort when the women were particularly perverse or clamorous, appearing to think it sufficiently formidable to threaten the men with his whip, advanced to the door, and just at the moment, when the prayers of the priest, the cries of women, children, and dog were most vehement, he, who believed himself, that Mahomet was the only true prophet, and his own dagger the only true symbol of justice, ran through in every note of the gamut, a long strain of imprecations in Albanian, Greek, and Turkish, mingled with a few sounds of vulgar Arabic, which he had learned in a campaign against the Wechabites. Every intelligent reader, well skilled in the sort of rhetoric, which most men apply on such occasions, will be able to interpret this discourse quite as successfully as we, who had the misfortune to be on the spot. At any rate, it was like the magic sound of 'open sesame.' The ancient priest, a thin white beard falling to his breast, slowly moved his hand to his heart, as we entered. His face showed plainly enough, that before we came there, he had suffered his full portion of oppression and hardship in this world. The children stood holding their breath, and terrified even to the bursting of their lungs; and the mother, waiting in the greatest apathy till she seemed to have satisfied herself that we were neither plunderers nor murderers, drew out from under a mat, a great quantity of coarse brown coloured dough, marked a cross on several parts of it, and shovelled it into a large oven, of which the temperature must have been considerably affected by the duration of the contest with the guard. The dog, the only one of the Argives, who appeared to be gifted with any degree of independence, had settled himself partly on the earth, looking like a great tiger, crouched in a jun-

gle. Indeed, if dogs could emancipate Greece, there are enough and fierce ones too, to accomplish this great work. Whoever travels in the night, hears the unceasing howl and wail of those animals, starting from every glen, and shepherd's cot, and echoing far and near among the lofty crags of the mountains; and few travellers through these regions have the good luck to hang up to their domestic gods a toga, or a tunic, into which a Molossian dog has not set his teeth. 'Ad sinistram enim intrantibus, non longe ab ostiarii cella, canis ingens, catenâ vinctus, in pariete erat pictus, super que quadrata litera scriptum, Cave, cave, canem.' In all the Eastern cities that we visited, but more especially Constantinople, we saw large troops of long, lank, lean, yellow-coloured dogs, lying half asleep and half famished in the gutter, which goes through the middle of these narrow streets. The mules and jackasses carefully step over them, and at certain hours of the day, charitable dervishes, or the people of the neighbourhood distribute to them a scanty ration. The Mahometans believe that their prophet had a particular love for dogs, and though they look upon them as of the unclean beasts, yet it is reckoned a pious act to bequeath a small donation for their daily support. It appears, that these animals have the genuine Turkish antipathy to the Giaour, for we seldom went into the streets of Constantinople without rousing from their dull slumber all within scent, and they lost no time in sending a terrific yell of preparation to all their comrades in the same gutter, so that the morning walk of a Frank in an Eastern city commonly begins and ends with a pack of fifteen or twenty dogs, barking and shrieking at his heels. Mr. Hobhouse in speaking of a dragoman, quotes a proverb known at Constantinople,—'Dio mi guardi dai dragomani, io mi guarderò dai cani.' The man who made that proverb was truly in a deplorable condition. In 1615 the Vizier Nassoul had all the dogs transported from Constantinople to Scutari, about three fourths of a mile distant on the Asiatic side. Numerous and terrific are the histories, told to the unhappy traveller of the ferocity of these dogs, and their keen appetite after Frankish blood. Almost every embassy at the Porte has long legends upon its tablets of secretaries, and counsellors, and chaplains, torn, and hunted, and bitten. This inconvenient toleration of dogs has, however, venerable antiquity to plead in its defence.

'And the dogs shall eat Jezebel by the wall of Jezreel; and they went out to bury her, but they found no more of her, than the skull, and the feet, and the palms of her hands.'

From this village the interpreter and guard went forward to carry our letters to the Pasha. The country six miles before Joannina, in this direction, is a flat and broad valley, but now for the most part in pasture. The afternoon was cold, as the wind came from the north, and blew over the snow on the mountains. Numerous peasants were returning from the capital, with their asses; most of them carrying three or four small wax candles to be burnt at Easter, the great festival of the Greeks, then just at hand. Then every Greek family puts on its best clothes, and new slippers, burns its candles, cleans up the images of the virgin, and salutes all passengers with the phrase Χρίστος ἀνέστη, 'Christ has arisen.' On a little hill, from which there is a full view of Joannina, half a mile distant, there is a small altar erected to the virgin, before which a blind man stood, shaking a brass plate, upon which most pious Greeks put a small bit of copper money. From this hill to the town I counted fourteen beggars, laid along the road, blind and lame, shaking these boxes, and demanding charity as vociferously as I have ever known an Italian to do. This was the first time that we had seen minarets, or tomb-stones with turbans carved upon the top, or women covered with vast cloaks, and the whole face, except the eyes, wrapped up in white clothes; and those long rows of low shops, where the shop-keepers and mechanics of all descriptions, even the baker and blacksmith sit at their work cross-legged. I do not recollect to have seen in the great bazars of Constantinople, or those of any Turkish town, one man *standing* in a shop. How often does a European exclaim upon the richness and brilliancy of the Turkish dress, the large and full turban, loose robes, tunics and breeches of the gayest cloth or silk, often finely embroidered in gold and silver, and ornamented with fur, all bestowed upon the person with a taste, and combination of colours, truly astonishing in a nation so barbarous. Every one must have remarked the variety and splendour of colours in the paintings of the old painters, and whether they represented the dress of the Eastern or Western people, it was infinitely gay, flowing, and party coloured, compared with the dress of the present day. We were immediately con-

ducted to the palace of Muchtar, eldest son of the pasha and governour of the town, in quality of Kiaia, or viceroy to his father.

> 'Dark Muchtar his son to the Danube is sped,
> Let the yellow-haired Giaours view his horse-tails with dread;
> When his Delhis come dashing in blood o'er the banks,
> How few shall escape from the Muscovite ranks.'

In the anti-chamber we found an interpreter, a coarse, ordinary Italian, dressed in the European fashion. Muchtar was sitting in the corner of the divan, smoking a Persian pipe. He moved his head gently, and pointed with his hand to a seat on the divan near himself. He is a large man, with a face of great dignity, intelligence, and mildness. A gold-wrought pistol was in his girdle, and there were three others on the divan with his fur pelisse. On the opposite side of the room stood six boys, dressed in the Albanian manner; their hair was combed smooth to its full length behind, and cut close over the forehead, their feet bare and red. They brought him a fresh pipe, and his coffee, and during the whole audience, I never saw their eyes turned from the prince, for a single glance. Several guns and a French mamaluke sabre were hung on the wall with a cage of Canary birds, a European clock, and a looking glass. The room was large, with a broad divan round three sides of it. It struck me, that the conversation of the Albanian was little different from that of European princes. He asked very much such questions, as are repeated, audience after audience, in the European courts; and indeed it is pretty difficult to conceive what other questions a well bred man could ask of a stranger whom he only saw for a few moments. Among other matters, he inquired if it were true that Napoleon had escaped from St. Helena, if the Americans were at peace with all the world? He said, that, 'for his part, four or five years ago he had fought and loved war, but now he was left to pass his hours in the divan, and smoke the Houka.'

The lodging, which Muchtar appointed for us, was in the house of a Greek merchant; it being impossible for a Turk, even of the lowest order, to receive Franks within his walls, both from religious scruples, and from a respect to the harem, or women's apartment The koran prescribes hospitality only to strangers of the same nation or the same relig-

ion. The house where we were lodged was of wood, surrounded by a high wooden fence. On the first story were kept the wood, corn, hay, a mule or two, and all the stores of the family. On the second story, to which we ascended by a staircase on the outside of the house, the family lived. Grecian houses differ essentially from those of the land of Canaan, particularly as to the 'house-top,' which being flat, and covered with a terrace of plaster, is used for sitting and various works and amusements, and to which such constant reference is made both in the Old and New Testaments. The Grecian house-top is pointed, and appears to be a territory sacred to storks.

The father was absent on business of the vizier, but the brother was at home, a man, whom we afterwards found to be infinitely oppressive and dull. Unhappily this personage had travelled a little. In some unlucky summer month he had ventured in a Hydriot brig to Leghorn; and there he had staid a few days, and learnt a few words of Italian. Still the ingenuous Greek would sit cross-legged upon the divan, and tell the whole story of his perils, as if he were wooing a senator's daughter. He seemed to account his little sail over a few smooth waves of the Mediterranean, equal to the seven voyages of Sindbad; as if he had been to the wall of China, and through the north-west passage; as if he had kissed toes in Rome, and hands in all other European courts, and had seen the temple of Diana, the Colossus of Rhodes, and the walls of Babylon; and yet after all he seemed to look upon himself as the greatest wonder he had beheld. But, alas! it is uncertain whether little travelling or a great deal gives most airs. The mother, a pert, forward, inquisitive little creature, came skipping into the room with the sweetmeats and coffee, chattering Greek like a magpie. The woman, however, had no lack of sense or good feeling. She was full of attention and kindness, and kept two or three of her children constantly on duty at our door, in order that we might not shout in vain for our servants or janizary. It is true these faithful sentinels occasionally trespassed upon their duty, by opening the door, and just peeping very slighly through the crack, a ceremony in which it was not rare to see the mother and brother both assisting. She very bountifully laid upon the ground in full view, the whole battery of her kitchen, consisting of about five pans made of copper,

and tinned inside and outside, an operation which is renewed once every year; all her wooden and earthen plates, wooden and horn spoons. Nay, she proposed to marry her eldest daughter, a pretty girl of fourteen, to an Italian servant who was with us, notwithstanding the wedding robe of the damsel was already made, and she was to be married in three months to a Greek of Joannina. She offered as a dower 2000 piastres; but on her part she demanded that our Italian should cut off his hair and whiskers, put on loose breeches, and sit upon his hams.

Prince Chanjery, the first interpreter of Ali, soon came to inform us that the Pasha would be ready to see us the next morning. He told us that he was himself the son of a Hospodar or Wallachian prince, who had been beheaded by the Porte, that he had been forced to fly from Constantinople, and conceal himself a long time in the islands of the Archipelago, and finally that Ali had received him under his protection. He was about forty years of age, with a beard remarkably full, and kept constantly black by being stained with indigo. He had been much in Vienna, and had seen Paris. He had also been sent on an embassy to Napoleon, at the time of the Moskow campaign. He regularly received the Italian newspaper of Lugano by the way of Vienna, and was about to subscribe for the Moniteur by order of his highness the vizier. His wife and children were then at Joannina. I have seldom seen a foreigner who spoke French with such purity, and whose air and carriage were so thoroughly French.

The pasha did us the honour to send us a dinner this evening by one of the under cooks of his highness' kitchen, barefooted, and with two long pistols in his girdle. It was cooked in the palace kitchen, and served upon his highness' own plate, to wit, one boiled fowl, one roasted one, stewed mutton, and a score of little balls, which, to the disparagement of his highness' cook, I am sorry to say, were not equal to the celebrated bullets à l'epigramme of Robert, all in four tinned-copper basins, the cup of silver for such purposes being forbidden by the Mahometan law. The next morning the same barefooted scullion brought us one roasted fowl, one boiled do, and a leg of mutton, which it must be confessed, did great honour to his highness' skill in crosses.

April 11. The officer assigned us by Muchtar Pasha as a

guard, dressed in a sort of red velvet, loose jacket, much embroidered and lined with fur, went before us, driving away with a stick from the same side of the street all denominations, except military and mussulmen. Circles and knots of men, to the number in the whole of six or seven hundred, for the most part wearing sheep-skins, but some having very gay colours, all carrying pistols and daggers, were sitting, smoking, and walking in the court-yard of the palace of the vizier, in that confusion and irregularity which make all assemblages of men in the East so remarkably picturesque. We had the pleasure of verifying by personal observation the justice of the following poetical enumeration.

> The wild Albanian kirtled to his knee,
> With shawl-girt head, and ornamented gun,
> And gold-embroidered garments, fair to see;
> The crimson-scarfed men of Macedon;
> The Delhi with his cap of terror on,
> And crooked glaive; the lively, supple Greek;
> And swarthy Nubia's mutilated son,
> The bearded Turk, that rarely deigns to speak,
> Master of all around, too potent to be meek,
>
> Are mixed conspicuous; some recline in groups,
> Scanning the motley scene, that varies round;
> There some grave Moslem to devotion stoops,
> And some that smoke, and some that play, are found;
> Here the Albanian proudly treads the ground;
> Half whispering, there the Greek is heard to prate;
> Hark! from the mosque the nightly solemn sound,
> The Muezzin's call doth shake the minaret,
> "There is no god but God! to prayer—lo! God is great."

The first door of the palace was very like a common barn-door, without either porter or guard; beyond this there was a multitude of boys, blacks, and soldiers; they looked at us in silence. We passed through a short, narrow entry, and entered another room, in which was a vast quantity of rubbish, old clothes, bits of wood, boxes, and guns, evidently a place where soldiers sleep. A soldier drew aside a green cloth curtain, and we saw Ali, sitting in a diagonal line from the door, in one corner of a very low, common sized room, painted for the most part red. It was a great heap wrapped up in dark red cloth, edged with fur, and supported by five deep cushions. Nothing was visible of Ali but a hand holding a pipe, an uncommonly full white beard and mustachios, a most venerable face, not denoting the least leaven of ferocity, on

the contrary, the greateat dignity and intelligence. It is evident that his highness loved heat, for nearly one side of the room was taken up by a huge fire-place, upon which they had piled a score of large logs, reminding one of those hospitable fire-places now rarely seen in the halls of old English barons. He had just made a motion that we should sit down on the divan, when he was seized with a singularly furious cough or long sneeze, causing a great commotion in his whole frame. The only person seated was a dervish or monk, a privilege which they have on all such occasions. Upon being told that we were Americans, he asked immediately if our ancestors had not been of English descent ; a question which shows either great sagacity of mind, or that on hearing from English travellers of the war between America and England, he may have been told of our descent. He asked various questions and with much interest about our opinion of the temple of Dodona, known to have been in a part of the present dominions of the vizier. It was truly not to be expected that a pasha of the Turkish empire, a barbarian himself, and the chief of barbarians, should show a scent so quick and keen after antiquities. But it seems that this acute-minded personage, observing that all the English who came to his country inquired with great eagerness after antiquities, and more especially the celebrated one of Dodona, concluded that great treasures were hid in those places, which travellers came to seek. It was therefore natural enough that he should feel an anxiety to make the first discovery. The pasha was particularly desirous that a commercial relation should be established between America and his dominions, and requested us on our return to our own country to solicit the American government to send a consul to Joannina.

This first interview lasted half an hour ; various persons came and went without any ceremony, or any attention whatever to the vizier. No one kneeled, and the only salutation appeared to be carrying the right hand first to the heart, and then touching the forehead.

Psalida has a school of 200 boys. He spoke German, Italian, and Latin, and said that he had a perfect knowledge of ancient and modern Greek, of Latin, and German. The word *perfect*, particularly applied to a knowledge of languages, and then again most particularly to the French language, is susceptible of various interpretations, and is always to be

understood cum *grano salis*. He was a brisk, sensible, acute, intelligent man; but spoke with some asperity of the notions of his celebrated countryman Coray, at Paris, and of his process in restoring the purity of the ancient language. Psalida lives in a good house, and had a very pretty son, who gave the coffee and sweetmeats with great grace. He has written several works printed at Vienna or Venice, and lately a work upon the history, statistics, and geography of Albania, which he gave to Lord Guilford to have published. He has a small library of Greek and Latin books, four small English prints in his room, and a Greek map of Europe.

Statistics, &c.—We were informed by good authority, that there are 5000 houses in Joannina, of six persons each. This appears to be an exaggeration. Joannina occupies but a small space of ground, including the two forts, the two palaces of the vizier, the palace of Muchtar, seventeen mosques, and the large lots filled by burying grounds in all Turkish towns. It is another important consideration, that seldom more than one family lives in a Greek house. The house itself is large, and surrounded by a wooden fence, in which is generally included a small court-yard. I think, therefore, that the number of houses ought to be reduced at least to 3000. One English traveller states the population at 35,000, and another, upon the authority of a French resident, calls it 30,000. All these persons, from their longer residence at Joannina, particularly M. de Pouqueville, had better opportunities, than ourselves, of ascertaining the true population of the town; but from the reasons that I have already given, and comparing the size of Joannina with the size of towns, of which the population is well known, I am led to believe that there is exaggeration in the accounts. More especially, as people, who have not given themselves much trouble in comparing towns and populations, seldom make worse guesses, than when they undertake to give the number of houses or inhabitants in any place. No one matter appears to be more susceptible of exaggeration, than population; of this the account in the Old Testament of the Jewish armies is one of the most striking examples. As for the rest, it appears to me that the statements of population in other parts of Greece are magnified at least one third.

The vizier takes to himself one third of the whole produce of the soil in his dominions. It is supposed that another

third is lost to the inhabitants, by military quartering and other extortions. The rich (all but Turks) pay 16 piastres to the sultan, annually, for every poll over 16 years. This tax is called *karatch.* The middling class pay on the same conditions 10 piastres, and the poor 6 piastres. There is a duty of 4 per cent upon every article, which comes to Joannina. The vizier maintains 8000 troops in all his provinces, of which 3000 are constantly at Joannina. Even that number would appear to be sufficient to make a famine in the land; but they live chiefly on barley and rye bread, low wine, curds, raw onions, and olives. One sees great quantities of olives, raisins, oranges, and chestnuts, offered for sale. Twenty-nine pieces of cannon, 24 and 12 pounders, with five mortars, were mounted in the two forts by the two hundred French, sent by Napoleon under Gen. Guillaume de Vaudencourt. These French suffered great oppression, were never paid, ill fed, and lodged; and at last as the pasha would never consent to dismiss them, they were all forced to fly from Joannina in different disguises.

The Vizier has a revenue of - -	14,000,000	piastres,
Veli, his second son, pasha of Thessaly	4,000,000	"
Muchtar, the eldest son, governor of Joannina	3,000,000	"
Seli, pasha of Delvino, the youngest son, and of a different mother	500,000	"
	21,500,000	

No money has been more debased, than the Turkish piastre. In 1763 it was worth 32½ cents, and in 1797, containing 17 drams of fine silver and 2¼ of alloy, it was worth intrinsically 29 cents. In 1819 the Spanish dollar sold in English banking houses at Constantinople for 7 Turkish piastres, making the piastre worth about 14⅓ cents. At the same time in Greece it was worth only 6 piastres, giving, therefore, exactly 18 cents to the piastre. It is to be observed, that the exchange value of the piastre, in the great trading towns of Europe, is nearly 100 per cent more than its real value at Constantinople. According to the preceding statement, the whole revenue of Ali and his family being 21,500,000 piastres, at 18 cents, gives $3,870,000; a sum, separate from the karatch of the sultan, to be divided annually on about 1,200,000 people, who occupy about 6500 square miles of territory. The portion of the soil contained in Thessaly, about 1650 square miles, is fertile, and possesses valuable

manufactures. The other portions of territory are in general mountainous and sterile.

It is impossible to obtain accurate and complete accounts of the present state of agriculture, commerce, and manufactures in Greece, but as it is a matter of some curiosity to know in what way this wretched people contrives to pay yearly such vast and frightfully disproportionate sums, I shall set down a few main items, illustrating the principal sources of wealth of this country; not that perfect reliance can be placed in these items, for they are taken for the most part from the accounts of foreign nations, at present engaged in trade with Greece. There are about 1,300,000 lbs. of wool annually grown and exported; 160,000 remain in the country; 18,000 bbs. of kermes used to dye; 3,910,000 lbs. of cotton manufactured yearly at Turnavo and in other parts of Thessaly, at Ambelakia, &c. This cotton is either woven or spun; 3,740,000 lbs. of cotton annually died; 32,000 piastres worth of morocco sent annually to Germany; 7000 hare and other skins, collected on the mountains of Albania; about 6,400,000 bushels of wheat annually raised in Thessaly. Little grain is raised in other parts of Ali's dominions, but barley and rye. These estimates apply only to the pashalics of Albania and Thessaly, and the mousselimlic of Delvino. Of course, they include neither the gulf of Volo, anciently Sinus Pelasgicus, an independent government under the protection of the Sultana, and which Veli, pasha of Thessaly, has attempted several tim s to buy. The shores of this gulf are the most populous parts of Greece, and more vessels are owned here, than in all the Grecian continent. We were told at Tricheri, a small town upon one arm of the gulf, near which the ancient town called Æantium stood, that there were 80 square-rigged vessels belonging to that port alone, which is smaller than the port of Volo, at the head of the gulf. These vessels are employed in the summer, in trading in the different ports of the Mediterranean.

Neither of the foregoing items include the pashalic of Salonichi, which is the most productive of all the Grecian (if it can be so called) pashalics; the port of Salonichi, anciently Thessalonica, being one of the greatest trading places of the Turkish empire. It is also necessary to remark, that the commerce of this part of Greece, has much fallen since the relinquishment of the continental system, and the overthrow

of the emperor Napoleon, that great and irregular trade, driven for the most part by the English, between Salonichi and the southern parts of Germany, through Sophia, Semlin or Belgrade, upon the Danube, the Temeswar, and Raab, during the greatest pressure of that system, having now returned to its direct and accustomed courses.*

In 1819 the average rate of wages of a peasant of Thessaly or Albania was 17 cents a day. This rate is remarkably high in a country so famished and desolated by every sort of oppression; but it comes from the heavy taxes, and frequent exactions, to which the peasant is subject; the want of labourers, as a portion of the population lives upon the mountains, where they are supported by the milk of a few goats and a little barley bread; the uncertainty of life and employments; the great numbers of persons attached to the pashas, the mousselims, &c. and others living in harems, all consuming most unprofitably, and to the great number of religious festivals, when the peasant cannot labour. It has been calculated that the abolition of only twenty religious festivals in France (by Concordat, of 25 Fructidor, year 9, [10 Sept. 1801] art. 57; il giorno di riposo per i publici funzionari verrà fissato nella domènica) saved to that country 320,000,000 of livres in agricultural, commercial, and manufacturing

* It may be as well to mention here, that M. de Pouqueville had nearly finished, in the autumn of 1818, an extensive work, in great detail, on the continent of Greece, chiefly relating to its modern condition. This gentleman resided in Greece, as French consul general, from 1805 to 1818. He, moreover, had the misfortune to be detained as a prisoner in the Turkish empire, the greater part of the time from 1798 to 1803. It will therefore be readily acknowledged, that he must have possessed the best means of information, and he is, in addition to all this, a man of intelligence, perfect honour, and integrity. Mr. Hobhouse and Lord Byron affect to speak with considerable contempt of M. de Pouqueville. And indeed of whom, but Turks and Corsairs, does not my Lord Byron speak with contempt? He ridicules and abuses the Franks in Greece with the same zeal and flippancy, with which he extols the Turks. Those, who have had an opportunity of knowing Signor Lusieri and Messrs. Fauvel and Gropius of Athens, who, I venture to affirm, showed and explained to Lord Byron every thing that he saw in that city, and who have also had intercourse with Turks in the different parts of Greece, will be able to pronounce upon the justice of his lordship's remarks. As it is, Dr Holland, who went to Joannina only three years after the above named travellers, and who seems to partake of the political principles of both, found M. de Pouqueville 'extremely intelligent, well informed, as to the present state of Albania, was much indebted for an unexpected degree of polite attention, and derived much satisfaction from his acquaintance.'

labour. For the reasons above given, the Albanian or Thessalian peasant finds work about 205 days of the year, making the yearly value of his life at 17 cents a day $34,85. We shall now see what are the necessary expenses of that life.

His bread is one third wheat and two thirds rye, oats, and barley, and, as it is his chief food, he consumes 1½ lb. daily, say 456 lbs. yearly, at 2 cts. per lb.	$9,12
Meat at the four festivals of Christmas, Easter, St. George, and Demetrius. This meat is always lamb, and generally taken from his flock—allow ½ a lb. at each festival at 8 cts. per lb.	16
Three ounces of curd a day, at 1 cent the 3 ounces	3,65
Salt, pickled olives, salads, fruit, &c. 2 cts. daily	7,30
Quart of wine a month, at 4 cts. the quart	48
As much for the whiskey of the country	48
Yearly expense for pipes and bowls of pipes	20
Yearly expense for tobacco (most ordinary kind)	52
	$21,91
Dress.—A cap every two years, (merely a cloth skull-cap)	6
Barber. All Greeks and Albanians shave their heads, and all Greeks, except priests or the aged, shave their beards 3 times a month, at 2 cts. each time	72
Two cotton tunics annually made in the country, and unbleached	1,00
Two woolen do. not dyed, 60 cts. each	1,20
Covering for legs, generally old bits of cloth, tied about them, including strings	30
Girdle to hold his dagger, to bind his tunic, to tie his tobacco pouch, &c. one in ten years, $\frac{1}{10}$ of cost	5
Dagger for life, first cost $1,20, interest upon that sum at least 15 per cent	18
Great coat, only a strip of cotton, one in 5 years, $\frac{1}{5}$ cost	40
Expenses of lodging, fire, house rent, and other small necessary expenses, 2 cts. a day	7,30
	11,21
	21,91
	$33,12

Three peasants in five own a gun, but as I have allowed this peasant the first cost of a dagger, and as there is no increase of population, it is but fair to suppose, that he shall have received his gun from his father or a relation; $ 33,12 therefore is the inevitable annual expense of a Greek adult peasant, labouring upon another man's estate, being $ 1,73 less than his annual gain. It appears that the excess of gain above the amount of expenses, in proportion to the whole sum, is equal to the excess of gain above their expenses of the agricultural labouring classes of Europe. The peasants of England earn upon an average $ 76,20, and those of France only of $ 26; that is, every individual man, woman, and child of the agricultural labouring class earns this sum. I do not allow the Greek an occasional cup of coffee, so universally and constantly drank in the East; no expense for sickness; an occasional dance of the Romaic; playing on the guitar, a very common amusement of the country; of a small treat to his mistress; of presents to his priest; of accidents to his clothes; pipe, dagger, &c.; expenses also for wax-lights at Easter, and amusements of that day; no expense for powder and shot, which perhaps will be more than paid for by his game; of an occasional para given to a beggar before the image of the virgin; karatch to the sultan $ 1,8; also danger of not being paid his wages; expenses of a dog, which are very numerous; moreover his share in supporting the sick, old, and those unable to work of his own family. From bad lodging, bad food, great exposure, and a very irregular mode of life, men are sooner disabled in barbarous than in civilized countries. Debauchery and luxury affect the higher classes of civilized nations, but seldom reach the lower ones, particularly those engaged in agriculture. It is evident from this statement, made from very recent information obtained in Greece itself, what a wretched existence the farmers and owners of flocks must lead, who have to pay a great part of the enormous taxes of this country.

Joannina is now the largest and most opulent of the Greek towns. The learned men are more numerous; the rich ones better protected. Indeed, most of the wealthy men of this place have earned their money in Leghorn, Vienna, and Moscow, or in other towns of Italy, Germany, or Russia. But the pasha never fails to take into his hands a pledge or a hostage for the return of these merchants. One of the

children of our landlady was going in a few years to a counting-house in Leghorn. Greek, Turk, and Hebrew enjoy nearly an equal protection. The primate of the town is a Greek; the greater part of the Vizier's secretaries and scribes are Greek, besides many military officers of the same nation. The Greeks, too, wear gayer colours both in their turbans and robes, than they dare to indulge in even at Athens. I was told that the Greek women ventured so far, as to wear green and white upon their heads and yellow slippers, without notice. It is well known that yellow slippers are appropriated to Mahometans alone, and excepting the oulemas or doctors of Mahometan law, who wear dark blue, and a few military, who wear red boots, no other colour is ever worn. The infidel subjects of the Empire are condemned to black, except the Armenians of Constantinople, who are allowed to wear a dark red. But rich Greeks and other infidels in the provinces, and the Armenian women at Constantinople, whose husbands have now great influence at the Porte, being without doubt the richest portion of the grand signor's subjects, are permitted to buy the privilege of wearing yellow slippers. White for the turban is also reserved for the Mahometans, and green for the Emirs or descendants of Ali, now about one thirtieth part of the population. Green is known to have been a favourite colour with the prophet, for the Mahometans record, that in eight principal combats of his life, he was assisted by angels, wearing green turbans, and his nephew Ali wore green muslin upon his head, the day he destroyed in single fight the famous *Amr Ibn-Abdoud*. I believe that the sultan possesses also the right of wearing green upon the head, as being the high priest of the prophet on earth. But all Mahometans, whether men or women, are allowed to wear green garments, and indeed, since the overthrow of the Caliphat by the houses of Abas and Ali, that colour has become a distinguishing mark of the nation.

The number of Turks here is small. I never heard a Turk speak of the Albanians, but as a cowardly race, who fought well behind trees and rocks, but in an open plain, one true Turk with a good scimitar was equal to eight of them. Ali is no Turk, though he is a Mahometan without performing more of the ablutions and religious ceremonies, than he finds meet and convenient. He sends his tribute annually to the Porte, but possesses a degree of power, very nearly bordering

on independence. Two of his sons are now pashas, (though perhaps one, Sali, is properly a Mousselim,) and by a more judicious conduct on the part of Veli, who was pasha of the Morea, and who, by a very extraordinary event in Turkey, was obliged to leave his dominions in consequence of an unanimous petition to the Porte for his removal from every Turk, Greek, and Hebrew subject whatever in that territory, all Greece would probably at this moment have been under the government of Ali's family. It is in the Ottoman empire, almost if not quite without a precedent, that a pashalic should become hereditary. Joannina is not one of the ten cities entitled to a molla or judge in activity of the first class, nor to a Mufti, or judge in matters relating to religious dotations. It possesses Cadis, of which there are one hundred eighty seven in all Turkey in Europe, and Naibs, the lowest order of magistracy. There are but two Cadis in all the empire, who are for life; the others are removed every eighteen months. All judges of every order judge without appeal either to Cesar or Sultan. The judgment hall is open every day of the year, morning and night, except during the two feasts of the Bairam, and only one judge sits in each hall, assisted by a clerk. The parties for the most part plead their own causes, though there are established advocates, and two witnesses are competent to furnish decisive proof both in civil and criminal matters. The Mollas, Cadis, and Naibs have jurisdiction in all trials, relating to religious dotations, where there are no Muftis in the same district, but in all other civil and also criminal cases, they judge peremptorily. At the same time they are invested with all the functions of a notary, touching wills, contracts of marriages, sales, &c. All Turkish judges, therefore, excepting the Muftis, possess the same judicatory powers and the precedence is regulated only by the size of the district to which they are named. These judges have ten per cent upon the amount of all decisions in civil matters, and as they are paid by him who gains the cause, they have generally sufficient sagacity to decide in favour of him who is able to pay the judge. Several weeks after this time, at Tripolizza, we were one day in the audience room of the Bey Hamil, a Turkish nobleman of vast estates and great power in the Morea. There was present also a great attendance of persons of various colours, dresses, and conditions.

And while the Bey was explaining to several elders with long white beards, who sat upon the divan, opposite him, the meaning of a dialogue he had just held with us, a middle-aged woman pushed through the crowd with great force and fury, her hands stretched forward in attitude of the most eager supplication, her countenance wrung with rage and despair. This poor frantic creature, panting for breath, her heart almost bursting from her side, uttered the most horrid exclamations in every variety, and with the utmost rapidity of voice. These women in the ancient times would have been approached with veneration, as proclaiming the wills of the deities. Her son had been married the evening before in the midst of great festivities and rejoicings, and in the dead of the night, just after the virgins that had been bidden to the feast had departed, three soldiers broke into the house, seized the woe-begone bridegroom, and carried him to the public prison. The Bey, who never for a moment ceased during this scene to breathe forth a most gentle and steady smoke that curled slowly away in his deep moustachio, ordered a janizary to attend the woman, and to inquire into the cause of the arrest. The throng closed up again at the bottom of the divan, and the elders, caressing their long white beards, addressed themselves to the work of hearing the farther discourses of their lord. It should seem that this manner of administering justice, as it were in the gate, like Boaz and the elders in the gate of Bethlehem, was the most simple as well as the most equitable; but the miserable truth is, that a Turkish cadi, like every other Turkish officer, goes upon the judgment seat, with no other end, than to deliver him to be crucified, who shall have brought the smallest scrip for his private coffer. The vizier too, whenever he sees fit, judges criminal causes on the spot, and the punishment is inflicted immediately; also in civil causes he frequently appoints a commission, who report to him in writing.

All the Albanians constantly wear daggers and pistols, but assassinations are almost unknown; they look upon their arms as a part of their dress. Where a murder or any such high crime is committed, the guilty person is put to death, and his whole family of both sides, and all generations are sold to slavery. Lastly, every person may obtain admittance to the vizier by paying two dollars to the porter.

April 12. We saw this morning a very interesting young

man of one of the principal houses of the town. His name was Soter Stauro. He spoke French and Italian respectably, and was then learning Turkish. His father and brother were both at Vienna; one of his sisters married to a Greek merchant at Moscow, and another to a Wallachian prince. He spoke of his great desire to travel, of the curious descriptions sent him by his relations in Europe, and of the vehement curiosity he felt to see those countries where there were so many great towns, so many fine streets and beautiful carriages, where so many books were written, and where there were no Turks. He was tired of the little lake and narrow valley of Joannina. Alas! unhappy youth! After all, you will find that the little valley, in which fate has placed you, is the only happy one on the face of the earth. What if the philosopher Imlac could put wings to your body to give you power to fly beyond the mountains that now shut you up? It is just in the gayest and thickest throng and bustle of that planet after which you are now sighing, that your heart will pant hardest for the rude villages and desert regions of your native land.

> Urbem, quam dicunt Romam, Melibœe, putavi,
> Stultus ego huic Nostræ similem, quo sæpe solemus
> Pastores ovium teneros depellere fœtus.

The mother, of the mildest and most gentle aspect, spoke with the utmost solicitude of this unhappy propensity of her son. Her husband, a daughter, and son had been absent many years, and she despaired of ever seeing them all again. The daughter married in Albania, lived beyond the mountains, almost equal to a perpetual banishment, and as for Soter, he was the only remaining child left to her; he had never quitted the family roof. He was the Benjamin of the flock, and she could never consent that he should go down into Egypt with his brothers. The coffee and sweetmeats were offered upon fine porcelain and gilt silver, by the son himself. Servants and slaves are very numerous in all great houses of the east, but it is reckoned with great justice, a more delicate courtesy to receive from the hands of the family.

On our visit to the vizier to day, he was in the principal palace, a very extensive building after the Chinese taste, much ornamented with light works, small pillars, points on the roof, painted principally red and white, with large pictures of bat-

tles, huntings, and wild beasts devouring each other, the work of poor Italian artists. This is a remarkable departure from one of the chief precepts of Islamism. There was a vast crowd of soldiers in the court-yard and upon the entry, particularly of blacks. These people appeared to have the good nature and communicative disposition, remarked of them in all countries. Most of them smiled upon or saluted us as we passed, though we received from the Albanians nothing but a steady and respectful gaze. One eunuch came to show us a great watch, fastened up in a large brass case, and tied to his neck with a thick string. He put ours to his ear, and on hearing them tick said 'buon' in Italian. His own watch appeared to have neither hands nor figures, and he seemed to know that it was going only by hearing it tick. These are the countries to which all blacks would do well to come. They wear pistols and daggers of the richest workmanship, and owing to the lusts of the great, are often invested with power above that of the natives. They are most numerous at Athens and in the Morea, where they are called Arabs, and, being Turkish subjects, are competent to all employments. We sailed ten days in a vessel with a black man of forty years of age, who had been collector of the customs, the Piræus. Eunuchs are forbidden by the Turkish laws; and this law is only departed from in the houses of the great, either from a love of pomp, or an observance of the ancient customs of the east. While we were waiting for the pasha to finish his nap, we went into a room appropriated to interpreters, secretaries, officers, &c. A young Albanian, asleep on the divan with a boy sitting at his feet, was called the valet de chambre of the pasha. The Albanians always sleep in their clothes.

In the different harems of the pasha (a Turkish word, meaning retreat or sacred place) there are from two hundred and fifty to three hundred women. A small proportion are slaves bought in Constantinople, the others are Greeks and Albanians of the country, who generally enter voluntarily, as in the course of a few years the pasha marries a greater part to the officers of his court; and as the wives of the sultan and most of the great men in Turkey are usually slaves from harems, they have the prospect of giving heirs to the empire, or being mothers of the principal personages in it. This practice sensibly diminishes, to speak technically, the absolute

consumption of women by the great, and perhaps not more women are eventually lost in harems than are lost about courts and in nunneries in the west. The Mahometan law allows in no instance more than four wives, but the number of female slaves may be unlimited. None but females and the husband ever enter the harem; the eunuchs only remain on guard at the door, and accompany the women when they go to the bath or to be drawn in covered wagons. It is true on occasions of the bairam, of the birth of a child, of a marriage, of circumcision, the fathers, brothers, and nearest relations, are suffered to be present in the harem. In general it is a law of the koran that a woman must never appear unveiled before one with whom, according to the Mahometan degrees of relationship, she is capable of contracting a marriage. Old women, who are said to have acquired great skill from long practice, perform all the duties of a physician, and no man can be received except in an extreme case; then the law requires that he should first feel the pulse, covered with muslin; in the last necessity the law allows the tongue, hands, or any part of the body to be shown. These matters are all determined by the koran or its expositors. The physician attached to the British embassy at Constantinople, in coming down the passage of a Turkish house, frequently saw a door open, a hand, covered with a veil, thrust out, and heard a female voice intreating him to cure her disease. He was once invited to see a favourite of the sultan, who had been ill many months of an unknown and troublesome disorder. He was attended by five eunuchs through the apartments leading to the harem, and in one of the outer rooms he found the patient, surrounded by innumerable old women, and so hid in robes and veils that not even the eyes were left open for inspection. He insisted that questions should be answered, and the tongue and hands shown. But notwithstanding a long debate, the sufferings that the patient endured, and the high value of her life, he gained no more than that an old woman should count the pulse in his presence; he, turning his back, the woman setting out with her counting when he should give a signal from his watch.

Ali has at present one wife, about twenty years of age. He is himself more than seventy. She never sits in his presence, nor do any of his sons; the more remarkable, as dervises have that privilege, and at our first interview his chief secre-

tary was seated upon the divan the whole time. The room in the castle where we saw him today, was small, much ornamented with red paint and gilding. On a shelf there were various boxes of tobacco, pipe handles, small jars, cups, various little treasures, and phials full of white liquid, either medicine or a precious cordial, intended for the private drinking of his highness. The diamond-headed cane, and celebrated diamond-hilted dagger, said to be worth £30,000, were put upon the divan in full view. Many of the diamonds in the handle of the dagger were bought of Caroline, queen of Naples, and the largest of the late king of Sweden, which cost £8000. It was mounted by a Greek in Joannina. The blade is long and heavy, and excepting the handle, a very coarse performance, though the steel may be very precious. On one of the occasions this spring (1819,) when Ali came down to the sea-side to confer with Sir Thomas Maitland, governor of Malta and the Ionian isles, he brought with him in his bosom a little bag full of diamonds, and pouring them out upon a plate, proposed to have imitated in diamonds, the star of the order of the Bath which Sir Thomas wore. But there being no suitable place on the loose dress of an Albanian for such an ornament, the diamonds were put upon the head of a dagger. At one of these conferences, holden in a cow-house, a dinner was given by Ali to the governor and suite, and to his sister-in-law lady Lauderdale and other ladies who had the curiosity, or perhaps one might say, the courage, to be present. Ali seized a roasted lamb, and tearing off with his fingers the fat bits, attempted to thrust them into lady Lauderdale's mouth, at the same time giving a great laugh. This is accounted in the east a great compliment. It is as if a European prince should help a guest with his own hands.

Ali was dressed, as before, in red and fur, clean white silk stockings, and yellow slippers. He spoke again with much earnestnest of the escape of Napoleon. There are two reasons why these Albanian princes should discover so keen an interest in the emperor. 1st. He beat the Austrians and Russians, whom they mightily dread, and who, with very just reasons they fear may, some day or other, come and drive them into the desarts beyond the Caspian sea. 2d. During the continental system they had a wider and surer market for the grain, tobacco, cotton, wool, and other products of Epirus and Thessaly. He spoke also of the products of America;

proposed to send a cargo of embroidered clothes, arms, dried figs, pickled olives, &c. hither, if it were probable he should succeed in getting, as a return, a cargo of women and horses; he said that he had five hundred horses, and that his good friend the pasha of Egypt had just sent him five excellent Arabian ones. He asked the number of our troops and navy, which army, the English or American, was most numerous; but he was obviously little anxious about this matter, which one would have supposed of all importance to a barbarous feudal chief, living in the midst of an armed camp, and who could have little delight but in troops and wars.

He was dreaming himself, and setting his interpreter to catechise us about commerce and money. We had already heard of the greediness of his highness, of great coffers filled with gold and silver, and we had known the case of the rich Logotheti of Livadia, taken from his bed in the dead of the night, carried off to Joannina, and made to pay for his life and his liberty thirty purses, each containing five hundred piastres. This man had committed no other crime than having the good fortune to collect a considerable fortune at Patras, and the good sense to return to his native town to render his family comfortable and independent. There never was a country in which money was so unfailing and methodical an agent in the affairs of government, as Turkey. It may be put down as a universal principle, that neither virtue, talents, nor rank will be needed in the least. The office of capudan pasha or high admiral, of grand vizier, minister of state, reis effendi, of foreign affairs, the Greek patriarch, pashas of all the provinces, all these offices are given to the highest bidder. The pasha takes his firman, goes into his pashalic, sends forth his soldiers and servants in all directions to smite, plunder, oppress, ravage, and when he has redeemed the price he paid for that government, goes back to Constantinople to buy a better one, or retires into a country town to fill a numerous harem, it being a part of the jealous system of the Turks, that no pasha should ever reside at Constantinople. After all, Turkish pashas may be quite as good as Roman pro-prætors and pro-consuls.

> Exspectata diu tandem provincia quum te
> Rectorem adcipiet; pone iræ frena, modumque
> Pone et avaritiæ; miserere inopum sociorum.

Ali was exceedingly embarrassed by the difference between the aborigines and Americans. After various explanations and illustrations, 'ah!' said the pasha, 'I understand the matter. The Americans invaded the country, enslaved the natives, and made them till the ground, and fight in their armies.' This conference lasted two hours; it served but to increase our admiration of the great sagacity and excellent sense of this celebrated pasha. By his order we were conducted through every part of the palace not appropriated to the women. The chief things to be seen were about one hundred guns and pistols hung in an entry, kept very dirty, and all loaded; numerous swords with scabbards much ornamented, a marble bath, one of vapour and two or three common ones, four rooms with divans, covered with silk and richly embroidered with gold and silver; every where pistols and daggers, all exceedingly valuable as to the mounting, which in several was of diamonds, and exceedingly coarse as to the locks and barrels; four French glasses, and six clocks, candelabras, with other things of little value, given to the pasha and put away here as in a sort of storeroom. At four o'clock we went into the court-yard to hear the evening hymn, played at that hour every day in the capital of every pashalic in honour of the sultan. I venture to say, that no sovereign prince of this day, on whatever side of the equator or of the *capes* he may govern, is indulged in an equal quantity of frightful or ludicrous music. A few broken wind instruments, broken kettle drums, three little boys kneeling on the ground and beating a sort of cracked gong as fast as they could strike, and six tall grave looking effendis, with long rolls in their hands, shouting certain words among which Alla appeared to make the chief figure. I do not deny that one could not see with unconcern the effendis, with full and long robes, tall black caps, and those oracular rolls pointing to the heavens, as if they had been ancient soothsayers, uttering in a deep and unceasing voice strange sounds in an unknown language. The crowd sunk down again upon their hams, and began to smoke and chatter with great spirit. Whereupon we heard a loud chorus proceeding from the entrance of the court-yard, and in a moment a large disorderly throng of barbarians rushed along, bearing in the midst a stout dirty looking man on horseback. The whole camp instantly leapt up from the ground, carried their hands

to their foreheads, and stooped their heads to the earth. This was Muchtar coming to the palace of the vizier to transact the business of the day. The long trains of set squadrons, moving with a regular step, in European pageants, do not excite the imagination half so much as the confused and hurrying multitude that surrounds the horse of an eastern prince, all struggling to approach his stirrups, and all pressing forward at the same time with a quick and tumultuous movement. It ceases at once to be a mechanical body ; there is neither command of officer nor beat of drum ; on the contrary every follower, abandoned to the impulses of his feelings, shows his degree of devotion and respect to the chief, just as he is eager to approach his person and persevering to follow him in his course. Muchtar, being lusty and much incumbered with clothes, had not entirely recovered from the hurried progress he had just made. He was still breathing hard, and had not yet succeeded in bringing his pipe into full fire, and till that happens one may look in vain for tranquillity and presence of mind in a Turk. He inquired with the utmost courtesy after our health, and if we were quite refreshed from the fatigues of our journey. He spoke of the chase in America, his great fondness for it, what kinds of tobacco were to be found in our country. For his own part he smoked only Persian tobacco, very strong, and capable after a few puffs of intoxicating those not accustomed to it. He offered one of us his own pipe, and begged us to taste his tobacco. The serpent in these pipes is between three and four yards long, and it is not a small art to smoke them with tolerable success. The approved way of smoking in Turkey is to suffer the mouth of the pipe to rest upon the lips, and with all possible gravity and deliberation to blow out from time to time with the gentlest breath the rarest vapour, almost invisible, and quite scentless. Such clouds as I have seen issue from pipes and cigars in other countries, would almost cost a man his character in Turkey. Muchtar spoke of travelling ; he said that he was truly grieved and mortified that circumstances had not allowed him to visit the celebrated countries of the west ; he mentioned several distinguished European officers with whom he had frequently had converse, and applauded the curiosity which had led us to sojourn in these distant and unknown lands. He wished us with much grace all manner of happiness and success in our present undertaking, and said

that he should be infinitely gratified to be informed of our safe return to our own country. When he heard that his father had given us a letter of protection to his son Veli, pasha of Thessaly, he ordered a secretary to write another on his part. We were much provoked and embarrassed in this conference by the presence of a perverse, ignorant, and conceited dervish, who was upon one end of the divan, and was pleased to take a part in all the dialogue with Muchtar. This animal, who spoke nothing but Turkish, undertook to instruct Muchtar in the geography of Europe and of America, which, as far as we could find out, he placed on the right hand of Constantinople, or the eastern shore of the Black sea. He was also pleased to ask us himself various questions, such as the distance of America ; five thousand miles ; to which he groaned out *choke ;* the breadth of the Atlantic, which he in his wisdom mistook for the Black sea ; three thousand miles ; another groan and *choke* ; then the size of America, and our answers did not probably fall short of the real measurement ; a third *choke.* So that if we had pleased we could have amused ourselves with the dervish and his *choke* the whole afternoon, which, after all, is only a Turkish word signifying 'a good deal.' The prince discoursed again upon war ; mentioned in particular the name of a Russian general, since dead, with whom he had enjoyed a firm friendship, and told us the story of a battle he had fought in an island of the Danube with the Russians, in which he had lost 24,000 men, and the Russian army only 18,000, but he himself had succeeded in escaping. He appeared to give himself great credit for losing 24,000 of his own men, and yet save his own life.

It gives me real pleasure to speak of the intelligence, dignity, and elegance of manners of this prince. One rarely sees an expression and a carriage so full of courtesy and grace, and it can be truly said that one may be present at all the courts of Europe and not meet a single prince more worthy of a niche there than the pasha Muchtar. We shall always remember with perfect satisfaction and gratitude the protection and hospitality which we had the good fortune to receive from this distinguished family.

Note. *Joannina* in pronunciation is abbreviated to *Yanina.*

QUARTERLY LIST OF AMERICAN PUBLICATIONS.

AGRICULTURE.

Address to the Worcester Agricultural Society. By Levi Lincoln, jun. 8vo, Worcester, 1819.

Rural Magazine and Literary Evening Fire Side. Vol. I. No. I. Philadelphia, 1820.

Address before the Western Society of Middlesex Husbandmen, &c. By Wilkes Allen. With the By Laws of the Society. 8vo. Concord, Mass. 1819.

Address to the Agricultural Society of Maryland. By the Hon. Virgil Maxcy. 8vo, Annapolis, 1820.

Remarks on the present state of Agricultural Science, and the general means of improving the art of Husbandry in the county of Hartford. By Ethan A. Andrews. 8vo, Hartford, 1819.

Address to the Agricultural Society of the County of Oneida. By Alexander Coventry. 8vo, Utica, 1819.

An Examination of expediency of establishing a Board of Agriculture in the state of New York, published by the New York Corresponding Association for promotion of Internal Improvements. 8vo, New York, 1819.

The Massachusetts Agricultural Repository and Journal. No. I. Vol. 6. Boston, 1820.

ASTRONOMY.

Outline of a Course of Astronomical Lectures, with an Appendix, containing an explanation of the most important terms relating to Astronomy. By Joseph Emerson. 8vo, Boston, 1819.

BIOGRAPHY.

Memoir of Hugh Williamson, delivered at the request of the New York Historical Society. By David Hosack, M. D. New York, 1820.

Biography of Hon. Caleb Strong. By Alden Bradford. 8vo, Boston, 1820.

Memoirs of Rev. Robert Finley, with brief sketches of some of his cotemporaries, and numerous notes. By Rev. Isaac V. Brown. 8vo, New Brunswick, N. J.

The Life of Alexander Smith, Captain of the Island of Pitcairn, one of the mutineers on board Ship Bounty, written by himself. 12mo, Boston, 1819.

Memoir of the late John Murray, jun. read before the Governor of the New York Hospital, 9 month 14, 1819. By Thomas Eddy. 8vo, New York, 1819.

COMMERCE.

Commercial Regulations of the foreign countries with which the United States have commercial intercourse, collected, digested, and printed under the direction of the President of the United States. 8vo, Washington, 1820. $6.

Memorial of the Merchants and others interested in commerce in Salem and its vicinity, to the Congress of the United States, on the discontinuance of credits on revenue bonds, the abolition of drawbacks, and other restrictions of commerce. Salem, 1820.

A Review of the Trade and Commerce of New York, from 1815 to the present time, with an Inquiry into the causes of the present distress and the means of obviating it. By an Observer. 37½ cts.

EDUCATION.

Instructions for the better government and organization of Common Schools. By Gideon Hawley. 8vo, Albany, 1819.

Reports of the Commissioner of the School Fund. Two reports of the Joint Committee of the General Assembly, May 1819, and the proceedings of the General Assembly thereon. Official documents with the explanation and exhibits of the Commissioner of the School Fund for the State of Connecticut. 8vo, 1819.

Address to the Public, proposing a plan for improving female education. By Emma Willard. 8vo, Albany, 1819.

Second Annual Report of the Comptrollers of the Public Schools, Philadelphia. 8vo, Philadelphia, 1820.

GEOLOGY AND MINERALOGY.

View of the Lead Mines of Missouri, including some observations on the Mineralogy, Geology, Geography, Antiquities, Soil, Climate, Population and Productions of Missouri and Arkansaw and other sections of the Western Country, with three engravings. By H. R. Schoolcraft. 8vo, New York. $1,75.

Observations of the Geology of the United States of America, with some remarks on the nature and fertility of soils, by the decomposition of the different classes of rocks, and an application to the fertility of every state in the Union in reference to the accompanying Geological Map, with two plates. By William M'Clure. 8vo, Philadelphia, 1820. $1,75.

An Essay on the Geology of the Hudson River and the adjacent regions, illustrated by a geological section of the country from the neighbourhood of Sandy Hook in N. Jersey, northward through the Highlands in New York towards the Catskill Mountains. By Samuel Akerly. 12mo, $1,25.

GEOGRAPHY.

Elements of Geography, Ancient and Modern, with an Atlas. By J. E. Worcester. Boston, 1819.

Gazetteer of Connecticut and Rhode Island, from authentic materials, with two maps. By J. C. Pease and John M. Niles. 8vo, Hartford, 1819. $3.

HISTORY.

Statistical Account of the County of Middlesex in Connecticut. By David D. Field. 8vo, Middletown, Con. 1820.

Memoirs of the Protestant Episcopal Church in the United States of America. By William White, D. D. 8vo, Philadelphia, 1820.

POLITICS AND POLITICAL ECONOMY.

Constitution for the State of Maine, with an Address, published by order of convention. 8vo, Portland, 1819.

Brief Review of the origin, progress, and administration of the Bank of the United States to the present time. By a Friendly Monitor. 8vo, Philadelphia, 1819.

Exposition of the Federal Constitution, comprising what is commonly called Madison's Report in '99, and the series of Essays written for the Richmond Enquirer. By Hamilton. Being a critique on the opinion of the Supreme Court of the United States on the Bank Law. 8vo, Richmond, Virg. 1820.

A Refutation of the sophisms, gross misrepresentations and erroneous quotations contained in 'an American's' letter to the Edinburgh Reviewers, dedicated to John Q. Adams, Esq. Secretary of State. By John Wright. Washington, 1820.

Proceedings of the General Assembly of the Province of Nova Scotia, upon the convention concluded between his Majesty and the United States of America, published by the Legislature at Halifax. 8vo, Halifax, Nova Scotia, 1819.

An Appeal to the Government and Congress of the United States against the depredations committed by American privateers on the Commerce of nations at peace with us. By an American Citizen. 50 cents.

Debates, &c. of the Convention of Maine. By Jeremiah Perley. 12mo, Portland, 1820. $1,20.

Europe, after the Congress of Aix-la-Chapelle, forming the sequel to the Congress of Vienna. By M. De Pradt. Translated with notes, by G. A. Otis. 8vo, Philadelphia, 1820. $2.

Address of the Tammany Society of New York.

Remarks on the present state of Currency, Credit, Commerce, and National Industry in reply to the above. By O. Wolcott. 8vo, New York, 1820.

Address to the People of Maine [Missouri Question. By M. Kinsley et al. Representatives in Congress.] 8vo, Washington.

Missouri Question. By Daniel Raymond. Baltimore, 1819.

Letter to the Secretary of the Treasury on the Commerce and Currency of the United States. By Aristides. New York, 1819.

View of the policy of permitting Slaves in the States west of the Mississippi, being a letter to a Member of Congress. By Joseph D. Learned. Baltimore, 1820.

Speech of Jesse Blesdoe on the Resolutions proposed by him concerning Banks in the Senate of Kentucky. Lexington, 1819.

Considerations against continuing the Great Canal, addressed to the member elect of the Legislature of New York. By Peter Ploughshare. Utica, N. Y. 1819.

The Address of Epaminondas [Gideon Granger] to the Citizens of New York. Albany, 1819.

Memorial to the Congress of the United States on the subject of restraining the increase of Slavery in New States to be admitted into the Union, &c. 8vo, Boston, 1819.

Three Letters on the present calamitous state of affairs, addressed to J. M. Garnet, President of Fredericksburg Agricultural Society. By Matthew Carey. 8vo. Philadelphia.

Vindication of the measures of the President and his commanding Generals in the commencement and termination of the Seminole war. [By Judge Overton of Tennessee] 8vo. Washington.

Expose of Facts concerning recent transactions, relating to the Corps of Cadets of the United States Military Academy at West Point. 8vo. Newburg, N. Y.

Defence before a General Court Martial at West Point. By Thomas Ragland, Cadet, with a Memorial to Congress. Newburg.

Journals, Acts, and Proceedings, of the Convention which formed the Constitution of the United States; published under direction of the President. 8vo. Boston.

Letter to James Monroe, Esq. President of the United States, on the state of the country; with a plan for improving the condition of Society. By John Mellish. 8vo. Philadelphia.

Letter to Archibald M'Intyre, Esq. Comptroller of the state of New York. By Daniel D. Tompkins, Vice President. New York.

Archibald M'Intyre's Letter to Daniel D. Tompkins, late Governor of New York. 8vo. Albany.

Address to the President, Senate, and House of Representatives of the United States, on the means of creating a National Paper by Loan Offices, &c. By James Swan. 8vo. Boston.

Free Remarks on the Spirit of the Federal Constitution, the Practice of the Federal Government, and the Obligations of the Union, respecting the exclusion of Slavery from the territories and new states. By a Philadelphian [R. Walsh, jr.] 8vo. Philad.

Letters developing the character and views of the Hartford Convention. By 'One of the Convention.' 12mo. Washington.

LAW.

Trial of Stephen and Jesse Boorn, for the murder of Russell Colvin, &c. Rutland.

Historical Sketches of the principles and maxims of American Jurisprudence, in contrast with the doctrines of the English Common law on the subject of Crimes and Punishments. 8vo. Steubenville, Ohio.

Address delivered to the members of the bar of Suffolk at their annual meeting, Sept. 1819. Boston.

Report of the proceedings connected with the disputes between the Earl of Selkirk and the North Western Company, at the Assizes, held at York, U. C. 8vo. Montreal.

Report of the Trials of Charles De Reinhard and Archibald M'Lellan for Murder, Quebec, with an appendix, 8vo. Montreal.

Report at large of the Trial of Charles de Reinhard, for Murder in the Indian Territories; with a summary of Archibald M'Lellan, indicted as an accessory. By William S. Simpson, Esq. 8vo. Montreal.

MEDICINE.

Inaugural Address on the Advantages and Facilities of establishing a Medical School in the Western States. By Charles Caldwell, M. D. Lexington.

Address delivered at Hanover, N. H. before the Dartmouth Medical Society, on their first anniversary. By Ebenezer Alden, M. D. Boston.

Address and Anatomical Prospectus. By Alexander Ramsay. Concord, N. H.

POETRY.

The State Triumvirate; a Political Tale, and the Epistles of Brevet Major Pindar Puff. 12mo. New York.

The Bucktail Bards, 12mo. New York.

TRAVELS.

Sketches of Travels in Sicily, Italy, and France, in a series of Letters, addressed to a friend in the United States. By John James.

Travels through the Western Country, in the Summer of 1816, including notices on the Natural History, Topography, Antiquities, Agriculture, Commerce, and Manufactures; with a Map of the Wabash country, now settling. By David Thomas, 12mo. Auburn, N. Y.

THEOLOGY.

Sermon delivered before the Howard Benevolent Society. By R. Storrs. 8vo. Boston.

Sermon delivered before the American Board of Commissioners for Foreign Missions. By Joseph Lyman, D. D. Boston.

Sermon at the Interment of the Rev. Jesse Appleton. By B. Tappan. Hallowell.

The Design of John's Baptism; a Sermon by Nathaniel Howe. Andover.

Sermon delivered at the Ordination of E. Q. Sewall. By Ezra Ripley, D. D. Cambridge.

Sermon delivered at the dedication of the Church in Essex street. By J. Sabine. Boston.

Sermon at the Dedication in Dedham. By Daniel Dana, D. D. Dedham.

Essay to Vindicate the Cause of Truth. By Ruth Lane. Boston.

Examination of the Modern Doctrine of Future Punishment; with the Author's Life. By Salmon Dutton. Boston.

Sermon delivered at the Interment of Hon. Caleb Strong, late Gov. of Massachusetts. By Joseph Lyman, D. D. Northampton.

The New Birth; a Lecture Sermon. By Hosea Ballou. Boston.

'God shall send them strong delusion.' Sermon by H. Ballou. Boston.

'The End of the World.' Sermon by H. Ballou. Boston.

Sermon on Nathaniel Topliff; with Notes and Family Record. By Thaddeus M. Harris, D. D. Boston.

Sermon at Provincetown, with a Narrative of the Sloop Catherine and the remarkable preservation of the crew and passengers. By Nathaniel Stone. Boston.

Letter to the Rev. Adoniram Judson, Sen. relative to 'the Formal and Solemn Reprimand,' with a letter to the Third Church in Plymouth, Mass. on the subject of Baptism. By Adoniram Judson, Jun. Boston.

Episcopal Magazine, vol. i. no. 1. Philadelphia.

Washington Theological Repertory, vol. i. no. 6. Washington.

Christian Disciple, New Series, vol. ii. no. 1. Boston.

Sermon delivered at the funeral of the Rev. James Winchell. By Thomas Baldwin, D. D. Boston.

Sermon delivered at the Ordination of Abner Moore. By P. Fish. Boston.

Sermon before the Foreign Mission Society of Boston. By S. E. Dwight. Boston.

MISCELLANEOUS.

Address of a Committee of the Citizens of Berkshire, on the removal of Williams College.

Remarks on a pamphlet published by a Committee of the Citizens of Berkshire, on the removal of Williams College.

The Sketch Book, Nos. 5 & 6. By Geoffrey Crayon, Gent. New York.

The Club Room, Nos. 1 & 2. Boston.

The Microscope. Edited by a Fraternity of Gentlemen. Nos. 1 & 2. New Haven.

Strictures on Brackenridge's Voyage to South America; introductory to remarks on that important territory, the Revolution in Buenos Ayres and Chili.

A Discourse on the Religion of the Indian tribes of North America, delivered before the New York Society, Dec. 20, 1820. By Samuel Farmer Jarvis. 75 cts. New York.

Christian Spectator. By an Association of Gentlemen. New Haven.

Brief Remarks on the 'Wife' of Washington Irving, 8vo. New York.

Address at the Installation of Officers in Washington Lodge, 6 Dec. 5819. By John Howe, 8vo. Boston.

Procès Verbal of the Ceremony of Installation of President of the New York Historical Society, as it will be performed Feb. 8, 1820. 8vo. New York.

Address before the Legislature and other patrons of the Massachusetts General Hospital. By B. Sullivan. 8vo. Boston.

Address delivered at the Fourth Anniversary of the Massachusetts Peace Society. By John Gallison. 8vo. Cambridge.

Brief Inquiry into the Origin and Principles of Free-Masonry. By Simon Greenleaf. 8vo, $1,25. Portland.

Giovanni Sbogarro, a Venetian Tale. 12mo, 2 vols. $2. New York.

The Night Watch, or Pirates' Den; a Melo Drama in two acts. By a Gentleman of Boston. 12mo, 12½ cts. Boston.

REPORTS OF SOCIETIES; MISSIONARY, EDUCATION, CHARITABLE, &c.

First Annual Report of the Education Society of the Presbyterian Church in the United States, with the Constitution of the Society. 8vo. Philadelphia.

Report of the Directors of the Western Education Society of the state of New York. 8vo. Utica.

Fourth Report of the American Education Society. 8vo. Andover.

First Report of the Directors of the Auxiliary Education Society of the Young Men of Boston. 8vo. Boston.

Third Report of the Trustees of the Female Missionary Society of Western District. 8vo. Utica.

Third Annual Report of the Boston Society for the Moral and Religious Instruction of the Poor. 8vo. Boston.

Report of the Select Committee of the Society for Propagating the Gospel among the Indians and others in North America. 8vo. Cambridge.

Report of the American Board of Commissioners for Foreign Missions; compiled from Documents laid before the Board at the Tenth Annual Meeting, with an Appendix. 8vo.

Third Annual Report of the American Society for colonizing the Free People of Colour of the United States, with an Appendix. 8vo. Washington.

AMERICAN EDITIONS OF ENGLISH WORKS.

Peter's Letters to his Kinsfolk. First American from second Edinburgh edition. 8vo, $3. New York.

English Synonymes, explained in alphabetical order; with copious illustrations and examples, drawn from the best writers. By George Crabb. 8vo, $5. Boston.

Ivanhoe. By the author of Waverley, Rob Roy, Guy Mannering, &c. 12mo, $2. Philadelphia.

Conversations on Natural Philosophy; in which the elements of that science are fully explained and adapted to the comprehension of young pupils, with Plates. 12mo, $1,50. New York.

INDEX.

Abela, a writer on Malta, 230.

Academy, French, its low origin, 293—its critique on the Cid of Corneille, 295.

Adair, Mr. British ambassador at Constantinople, his conduct to American vessels, 170

Adams, President, his just remark on the phrase, mother country, 334.

Addison, his school, 21—his Saturday's papers in the Spectator, 26.

Adelung, 231.

Aga, Turkish, at Sagada, and his habitation described, 431—supper given by him, 433.

Agius de Soldanis on the Maltese language, 229.

Akerblad, a Swedish collector of Phenician antiquities, 227, 228.

Alabama, slavery why tolerated in, 152.

Albania, rate of wages in this country, 449—expenses of the peasant, 450—the Albanians are constantly armed, 454—products of Albania, 448.

Albrizzi, Madame, her account of the works of Canova noticed, 372—character of this work, 386.

Aldrete on Phenician coins, 228.

d'Alembert's opinion of the theatre, 295.

Alexander, the emperor, sends the chamberlain Resanoff to negotiate with the Japanese, 36.

Alexandrian school of criticism, 16.

Alexis, a Kurilian interpreter in the service of the Russians, 41.

Alfieri, his manner of writing his plays, 311.

Alfred, his version of Boethius, 122.

Ali Pasha, account of a visit to him, 429 et seq.—description of his palace, 444—his curiosity and sagacity, 445—revenues of himself and family, 447——manufactures and commerce in his dominions, 448—his wife, 457—his dagger, 458—his armory, 460.

All Souls' College at Oxford, qualifications of a Fellow, 129.

America, amount of public literary patronage in the United States of, 135—why vilified by the English, 336 et seq.—distinction of the national and state governments not fully understood abroad, 345—explained, ib. et seq—the union not of the states but of the people, 346—purity of the English language kept up in the United States, 362 et seq.

American company on the North-west coast, an establishment of the Russians, 37.

Ammonius, argument from him on the pronunciation of *n*, 288.

Amschitka, one of the Aleutian islands, 34.

Angelo, Michael, sculptor, painter, & architect, 384.

Anglo-Saxon dialect, not the oldest form of the languages of the Gothic stock, 121.

Anne, Queen, the literature of her age, 26.

Appollonius Dyscolus, his work on Greek adverbs cited, 285.

Arabic, modern, the lexicons of it imperfect, 232—an ample one said to exist at Hernnhut, 233.

Arrao-Madsimano, governor of Matsmai, and friendly to the Russian prisoners, 55.

Asitus, a Carthagenian writer, 227.

B.

Bacon, Lord, 19—his Novum Organum, 24.

Baden has a university, 132.

Bainbridge, commodore, visit to Constantinople, 169.

Balance of trade, absurdity of the common doctrine in respect to it, 330.

Baltimore, an account of the fever there noticed, 386—history of the fever, 405.

Bank of the United States, taxed by Maryland, and the question brought before the Supreme Court of the United States, 110.
Barbary powers, policy of the civilized nations in respect to them, 169.
Baring, Alexander, his opinion on the importance to England of the American trade, 360.
Barrow, 19.
Barruel gives a list of thirty ways of representing the same sound in French, 280.
Barthelemy, 121—collector of Phenician coins, 227.
Bay of Treachery, in Japan, why so called, 52.
Bayer, P. collector of Phenician coins, 227, 228.
Beaumarchais, account of his Marriage de Figaro, 315—strange conduct of the government relative to it, ib.
Bellerman, Dr. of Berlin, his inquiries on the subject of Phenician antiquities, 226——proposes a thesaurus Phœnicio-Punicus, 226, 228—title of his programs, 228.
Bentham, Jeremy, his error with respect to the president of the United States, 344—his style of writing, 364.
Bernini, his style of sculpture, 372—both painter and sculptor, 385.
Bessel, a German astronomer, 270.
Black Sea, Dearborn's memoir on its commerce and navigation reviewed, 168—account of the attempts made by Americans to open the trade thither, 170—the question of the importance and practicability of this trade discussed, 172, et seq.—comparison of the trade with Russia by the way of the Black Sea and the Baltic, 176——imaginary dangers of the Black Sea, 177—duty of America to open the trade, ib.—two ways in which it might be carried on at Odessa, 181—what nations enjoy it, ib.
Blackstone's Commentaries delivered as lectures, 129.
Board of Health in Boston, their report relative to the fever noticed, 386—consequences of their opinion on the subject of contagion, 412—the board badly constituted, 415.
Bode's introduction to astronomy, 261—his astronomical ephemeris, 268.
Bodoni, celebrated printer at Parma, 6.
Bohnenberger, a German astronomer, 268.
Boileau, his conduct on the acting of the Brittanicus of Racine, 300.
Boorn, Stephen and Jesse, report of their trial noticed, 418—circumstances under which their confessions were made, 422.
Boston, the establishment of the theatre there opposed, 295—history of the fever prevailing there last summer, 396—399.
Bouterwek's history of belles lettres, its merits, 261.
Bowditch Dr. of Salem has translated the Mécanique Céleste of de la Place, 272.
Bradley's, Dr. astronomical observations analyzed by Bessel, 270.
Brougham's Mr. motion for the education committee in the English House of Commons, 102.
Bucharest, an academy in this city, 134.
Buckminster, his sermons, 204 et seq.—account of his life, 214—character of his sermons, 216.
Bugati, librarian of the Ambrosian library at Milan, 8.
Burckhardt, a traveller in Egypt, 233—Astronomer of this name, 270.
Burg, a German astronomer, 270.
Buttmann's Greek grammar, 6—his authority on the pronunciation of the Greek, 277.
Buxtorfian school of Hebrew criticism, 13.

C.

Caldwell, Dr. his life of Gen. Greene reviewed, 183—sources and materials of the work, 186—193.
Caluso of Turin, 14.
Caninnius, an error of this writer relative to the pronunciation of the modern Greek, 279.

Canova, account of his life and works, 372, &c.—compared with the ancient sculptors, 373—patronised by the Pope, 374—his history, ib. et seq—description of the monument of Clement XIV, 376——his art of polishing his works, 377—his works in relievo inferior to Thorwaldsen's, 379—refuses to restore the Elgin marbles, 384—merit of his pictures, 385.
Catherine II of Russia attempts negotiations with Japan, 34.
Catholic church, not inattentive to biblical criticism, 13.
Caraites, their literature investigated by de Rossi, 11.
Castello, case of a person so named, 420.
Cavaceppi, a sculptor at Rome, 372.
Chæus, *Chætus*, or *Lætus*, a Carthaginian writer, 227.
Chanjery, Prince, interpreter of Ali Pasha, 434—his history, 443.
Charles II, the effect on English literature of the taste of his age, 22.
Chartres, Alain, anecdote of him, 307.
Chatham, lord, style of his eloquence, 71—his character of the English ministry, 361.
Chenier, 308.
Chisholm, Dr. his opinion on the yellow fever, 389.
Chinese ships, twelve annually admitted in Japan, 34.
Chokodade port in Japan, 34.
Chrysostom, style of his eloquence, 209.
Cicero, a case of murder recorded by him, 421.
Circumstantial evidence, 419, et seq.
Clap, Rev. Thomas, president of Yale college, wrote a book in defence of its charter, 101—character of president Clap, 101.
Classics, advantage of their study, 31.
Coins, Phenician, by whom collected and published, 227.
Colonies, American, the British policy toward them, 351 et seq.—settlement of the interiour discouraged, 353—general character and merits of the colonies, 354—difficulties surmounted by them, 357—military efforts, 358—commercial obligations of Great Britain to them, 359—dispositions of England from the peace of 1763—American colonies prevented by the English government from abolishing slavery, 368.
Commerce, foreign, the question of laying restrictions on it for the encouragement of manufactures, 316, &c.
Confessions admitted in evidence.
Connecticut, her school fund, 115—its effects on the state of the schools, 116.
Constantinople, its importance as a place of trade, 171—multitude of dogs, 439.
Constitutional law, 83—review of the cases that settle it, 107 et seq.
Contagion, this subject discussed, 386,—definition of the term, 390.
Contract, how understood by the supreme court, 92.
Coray, his edition of Heliodorus, 277—contradicted by Psalida, ib.
Corfu, its citadel, 430.
Corneille regarded by the French, as the model of the sublime, 292—his *Cid* how received, 294—receives a pension from the Cardinal Richelieu, 296—his epitaph on him, ib.—his remark on the Bajazet of Racine, 300.
Corporations, on the law of, 85.
County gaols, their pernicious influence on the prisoners' morals, 255—report of the grand jury of Suffolk relative to them, 256.
Cowper commenced an improved style of English poetry, 27.
Cremona, Hebrew typography in this city, 11.
Curran, recollections of him by Phillips, 62—his influence on American taste, ib.—character of his eloquence, 68 et seq.—his printed speeches not collected by himself, 69—his mode of preparation for a trial, ib.—comparison of Curran and Lord Erskine, 78—as a lawyer Curran was not distinguished, 82.
Cydonies, Greek academy there, 134.

D.

Dante, manuscript of, 11.

Danzian school of Hebrew criticism, 13.
Dartmouth college case, report of, 83.
Davidoff commits depredations in the Japanese Islands, 38.
Dearborn, his memoirs on the trade of the black sea reviewed, 168—merits of the work, 182.
Dey of Algiers forces an American frigate to take his presents to Constantinople.
Dighton rock in Massachusetts, the inscription on it has been fancied to be Phenician, 227.
Diodati, on the language of our Savior, refuted by de Rossi, 5.
Dionysius, of Utica, translates the work of Mago from Punic into Greek, 227.
Diophanes of Bithynia reduces this translation to a compend, 227.
Dobree, 262.
Doddridge, Dr. says that two hundred sermons are enough to be written by an individual, 213.
Downing college, Cambridge, in England, the case of, 98.
Drawbacks, pernicious effect of their abolition, 326.
Dutch, high, no such language, 122—Dutch ships, two annually admitted in Japan, 34.
Dutens, collector of Phenician coins, 227.

E.

Easter, great festival of the Greek church, 440.
East Indies, unfounded prejudice in America against the trade thither, 332.
Edinburgh review, forty six unauthorised words in one article, 364.
Eichhorn, 228—character given to his introduction to the Old Testament, by Bishop Marsh, 262.
Elmsley, 262.
England, causes of the unfriendly feeling in America toward her, 335—English travellers dissatisfied with all countries, 337—source of the attacks on America in the English journals, 339—hostile feeling toward America, 340—ignorance on the subject of American national and state politics in England, 345—political and mercantile jealousy of America, 351—hostility of the reviews, 362—England not the first nor second government that abolished slavery, 369.
English language, comparative purity in America and England, 362—worse spoken in the latter country by the uneducated classes, 363—causes of its purity in America, ib.—various sources of corruption of the language in England enumerated, 365 et seq.
English, their treatment of a Dutch ship, in the port of Nangasaky, in Japan, 61—English authors on Phenician coins, 228—the English unacquainted with the German writers, 260—262.
Erskine, lord, compared as an orator with Curran, 78.
Etruscan Antiquities, the opinion of the Italians upon them fanciful, 231.
Eustathius, argument deduced from him relative to the pronunciation of ε, 287.

F.

Fearon, an English traveller in America, an instance of falsehood in his work refuted, 342—he is praised by the Edinburgh review and lord Grey, 344.
Fellowes, Sir James, opinion on contagion, 389—account of the fever in Malaga, 392—in Gibraltar, 393.
Fever, the malignant in the U. S. the last season, 386 et seq.
Field preachers, one cause of the effect they produce, 64.
Fontenelle, an abusive epigram on Racine ascribed to him, 304.
Forcellini's Latin lexicon, 14.
Foscolo, his Latin style, ib.
Foster, Justice, on the admission of confessions in evidence, 428.
Franklin, how he formed his style, 29.
French authors, on Phenician coins, 228—*French travellers* in England, 423.

G.

Gaisford, 262.

Gauss, professor of Astronomy at Göttingen, 264—his *Theoria* noticed, ib. et seq.—rapidity of his calculations, 268

Geddes, Dr. a distinguished Catholic critic, 13.

Geoffroy, his Cours de litterature dramatique reviewed, 291—account of the author, ib.—prejudice in favour of the age of Louis XIV, 292—his opinion on the introduction of love in the drama, 297—his indignation at the fate of the Phèdre of Racine, 301—his remarks on the femmes Savantes of Molière, 306—his hostility to Voltaire, 308—commendation of his letters and account of the manner in which he wrote his plays, 309, 310—his praise of Cesar, 313.

German language, its fancied resemblance to the Maltese, 232—necessary to an astronomer, 268—works of the German astronomers little known in England, 261.

Germany, remarkable for the encouragement of letters, 133.

Gesenius, professor at Halle, his work on the Maltese language reviewed, 225—analysis of it, 230 et seq.

Gessner has not superseded Forcellini, 14, 228.

Golownin, his adventures in Japan, 33—sent to survey the Kurilian and Shantar islands, 38—manner of conversing with the Japanese by signs, 41—surprised and made prisoner by the Japanese, 44—sent to Chokodade, 46—examined by the governor, 48—sent to the city of Matsmai, 49—escapes to the mountains but is retaken, 55—finally released by the Japanese, 59.

Government, what it is in the theory of the American constitution, 104.

Greece, modern, patronises learning, 134—whether its language be much corrupted, 277.

Greek merchants, their advantages in carrying on the trade of the black sea, 174—house of a Greek merchant at Joannina described, 441.

Greek & Latin languages more perfect vehicles of thought than the modern tongues, 32

Greek pronunciation, 272—controversy relative to it, 274—Mr. Pickering's essay on this subject, ib.—pronunciation of the Greek, in Europe, the Erasmian and Reuchlinian, 275—objections to the modern Greek pronunciation answered, 280—the argument from errors in inscriptions, 281—argument from oriental vowels, 290.

H.

Hale's, Lord, maxim relative to the corpus delicti, 431.

Hamburg, dissensions there relative to the version of the Lord's prayer, 335.

Hamil, Bey, a powerful Turk in the Morea, 453.

Hanno, the Carthagenian navigator and author, 227.

Hanover, the kingdom of, its university, 132.

Harem, 456.

Hase, his opinion of the Greek pronunciation, 276.

Hebrew bible printed at Constantinople and in the Levant, 10.

Heineccius records some cases of confessions, 426.

Hellenistic dialect, 6—what the modern Greeks understand by Hellenistic, ib.

D'Herbelot, his bibliothéque orientale, 11.

Hermann, 261—on the pronunciation of Greek, 276.

Herschel, account of him, 270.

Hesse Cassel & Hesse Darmstadt have universities, 132

Homer, prospectus of a MS. of the Iliad discovered at Milan, 222.

Hooker, 19—his ecclesiastical polity, 24.

Hug, professor at Frieburg, a Catholic, 13.

J.

Jahn, professor at Vienna, a Catholic critic, 13.

Japan, little known, 33—conditions of intercourse with the Dutch, 34—geographical description, ib.—at-

tempts of the Russians to open negotiations, ib —answer of the Japanese government to the propositions of Laxman, the Russian envoy, 35—another attempt to negotiate, 36—the Japanese questioned the Russian prisoners that were marched through the villages and wrote down the answers, 47—use the left hand in preference to the right, 48—supposed the Russians had changed their religion because they had left off wearing queues, 49—Their conditions of releasing Golownin and his companions, 57, 58—Population of Japan, 60—The Japanese have two sorts of writing, syllabic and alphabetical, 60, 61—are fond of reading, 61.

Jeddo, capital of the empire of Japan, 36—its population, 60.

Jefferson, Mr. one of the commissioners for the Virginia university, 116.

Jena, its university, 132.

Immanuel, R. his commentary valued at its weight in gold, 11.

Inscriptions, Phenician, where found and by whom collected, 227.

Joannina, capital of Albania, its population, 446.

Italy abounds in scholars, 13—they excel in the Latin, 14.

Italian language, held by some to be an ancient vulgar dialect of the Latin, 278——Italian authors on Phenician coins, 228.

Iturup, a Japanese island, 34, 38.

Ivory, Mr. his method of computing the orbit of a comet coincides with that of Dr. Olbers, 260.

K

Kennicott's collection of various readings, 8.

Kentucky, circumstances of her erection into a state, 153.

Kimchi, his lexicon, 11.

King, Hon. Rufus, his speeches on the Missouri question, 137—his public services, 146.

Kiosu and *Kunashir*, Japanese Isles, 34—description of the town of Kunashir, 40.

Koran, a rare edition of, 11.

Kruscnstern, a Russian officer, sent to Japan, 36.

Kumaddshero, a Japanese interpreter, 50—his singular mode of translating, 51.

Kurilian Islands, a part of the Japanese empire, 34

L.

Languages, plans for learning them in a few weeks, 123.

Lanzi on the Etruscan language, 231.

Latin language, the pronunciation of it in England and America different from the continental, 273.

Law taught at the universities on the continent of Europe, 128—the law faculty in the German universities is a Court of Appeal, ib.—want of systematic education to the law in England and America, 129.

Law, the civil, its importance, 130—principle of it with regard to confessions, 419.

Laxman, a Russian officer, sent to Japan, 34.

Leipzig, its university, 132.

Leonsaimo, a Japanese, who had been six years in Russia, 52.

Lindenau, a German astronomer, 261, 268, 269.

Literature, its true objects, 20—defects of the modern English literature, 21—begun with Sir William Temple, ib.—the effects of the increase of the number of literary men, 23—the style of the last twenty years superior to that of the Addisonian school, 27—national literature, in what manner to be formed or directed, 28—the study of the ancient classical authors and of the earlier English classics recommended, 30——literature has not been patronised by the American government, 132.

Livy, his account of the dissensions of the Patricians and Plebians not impartial, 313.

Louis XIV, account of his literary patronage, 132—spirit of gallantry in his age, 298—his remark on Racine's interference in politics, 304.

Louisiana, treaty of cession of it to

the United States of America, 160—how affecting the Missouri question, 161.
Love, whether to be introduced into the drama, 296.

M.

Magdeleine de la Palud, her remarkable case, 424
Mago, a Carthaginian writer on agriculture, 227.
Maio of Milan, 14—his prospectus of an edition of Homer's Iliad, 222.
Malta, its inhabitants a distinct race, 225—in the power of the Arabs for some time, 230.
Maltese language, 225—contains some occidental words, 231—but is mostly common Arabic, 232—is not a written language, ib.
Manufactures, domestic, the question of their encouragement discussed, 316, et seq —what particular manufactures should be encouraged, 323.
Margaret, of Scotland, wife of Louis XI, anecdote of her, 307.
Marini, lately deceased at Rome, 14.
St. Mark's gospel, pretended Latin original of at Venice, 13.
Marshall, Chief Justice, his opinion in the Dartmouth college case, 89.
Marsh, Bishop, his character of Eichhorn's introduction to the Old Testament, 262.
Masius, his codex of the Syriac hexapla, 8.
Masoretic text, its antiquity, 8—no manuscripts of the bible older than this text, ib.—Dr. Buchanan's pretensions to the discovery of an older text, 12.
Matsmai, the southernmost of the Kurilian islands, 34—description of its inhabitants, 47—their language, ib.
Matthiæ, his German Greek Grammar, 6—his authority on the pronunciation of Greek, 278.
May supposed the Maltese language to be of punic origin, 229.
Mayer, a German astronomer, 270—his tables gained a part of the longitude prize, ib.
McIntosh, Sir J. his censure of the British negotiators at Ghent, 352.
Mengs restores the taste for the antique, 372.
Meusel's bibliotheca historica imperfect on the article of Phenician coins, 228.
Mezzofante, celebrated scholar at Bologna, 14.
Michaelis, 228, 231, 262.
Milton, first brought into general notice by Addison, 26.
Mississippian scenery, a poem, reviewed, 14.
Mississippi slavery, why admitted in this state, 152.
Missouri question, 137 et seq. its history, 147—its merits, 154, 371—the first just cause of reproach on America for the toleration of slavery, 370.
Mobile, fever there, 408.
Molière, his best pieces not successful at first, 305—why he ridiculed physicians, ib.—his *femmes savantes*, 306.
Monopoly, there may be a foreign as well as domestic, 321.
Moore, Prof. his remarks on Greek pronunciation reviewed, 227.
Morelli, distinguished scholar at Venice, 14.
Moroccaners, their language strongly resembles the Maltese, 230—232.
Muchtar, eldest son of Ali Pasha, 441—description of his palace, ib.—his conversation and manners, 461, 462.

N.

Nangasaky, the only port in Japan where foreign ships are permitted to enter, 34.
Napoleon, his statue by Canova, 281 et seq.
National industry, the addresses of the Philadelphia society for its promotion noticed, 316—national antipathies and partialities, 334, 335.
Nature, how to be imitated in the arts, 386.
Negroes, their favourable condition in Turkey, 456.
New states, why admitted to the Union, 156.

New York, the fever there last summer, 387—unjustifiable attempt to trace it to Boston, 403.
Ningpo, a Chinese port, 34.
Niphon, one of the Japanese islands, 34.
Lord North called Virginia an island, 345.

O.

Odessa, principal port in the black sea, 170—account of it, 175—well placed for trade, 176.
Ohio, this state has not submitted to the decision of the supreme court of the U. S. in the case of the bank of the U. S. 111—slavery excluded by ordinance in the territory northwest of the Ohio, 149
Olbers, Dr his work on the computation of the orbit of a comet noticed, 260—account of him, 263.
Onio, a beautiful Japanese village, 47.
Origen, his allegorical style, 209.
D'Orville, collector of Phenician inscriptions and coins, 227, 228.

P.

Pandects, effect of their compilation on the works of the older jurists, 8.
Pelion, mount, a Greek academy there, 134.
Penitentiary system of punishment, 237—its merits, 238, 246—survey of the American penitentiaries, 248.
Peter, St and Paul's haven in Kamtschatka, 36.
Phenicians, their early intercourse with Malta, 226—supposed remains of their language in that island, ib—Phenician inscriptions deciphered by de Rossi, 6—enumeration of places where they have been found, 227—Phenician language of the Semitic stock, 225.
Phidias, both sculptor and architect, 384.
Philadelphia, fever there last summer, 387.
Phillips' recollection of Curran, 62—character of the work, 80.
Philo Byblius, a Carthagenian author, 227.
Phingari, the modern Greek for moon, thought to be of ancient origin by Coray, 277.
Piazzi discovers the planet Ceres, 267.
Pickering's essay on Greek pronunciation, 274—on Americanisms, 364.
Pihl, governor of Siberia, negotiates with the Japanese, 34.
Place, de la, the celebrated French astronomer, account of him, 271.
Planets and Satellites, thirteen discovered since 1781, 270—twelve of them by Germans, ib.
Plautus, fragment of the punic language in one of his plays, 227.
Pope, a great poet, 22.
Pope Pius VII, his republican homily translated by Grégoire, 283.
Porson, 261.
Pouqueville, his character as a traveller, 449.
Printing, the art of, its effect on the literary profession, 26—printing presses not allowed in the American colonies by the British, 351.
Prison, the State's, in Massachusetts, 242—annual account of it for 1819 suspected of error, 251.
Proclamation of the president of the U. S. declared illegal and void by the supreme court of the U. S. 112
Professional schools wanted in America, 126, &c.
Prussian Universities, 132.
Psalida thinks the modern Greek the remains of an ancient æolo-doric dialect, 277—account of this person, 445.
Pulpit eloquence, 204—obstacles to it, 205 et seq—French style compared with the English, 209—difficulties of a preacher's profession in America, 211—advantages, 213.
Punishment, in what it should consist, 235—this subject more carefully considered in the course of the last century, 236—laws for the punishment of crime in England do not aim at the reformation of the offender, 239—punishment sometimes unavoidable, 287——

whether lawful for the sake of example, 240—right of inflicting death, 242—effect of capital punishment on public feeling in America, 242.

Pym, Dr. his opinion on contagion, 389.

Q.

Quarantine regulations, their bad effect as now enforced, 411.

Quatremère de Quincy, his advice to Canova, 376.

Quintin supposed the Maltese language to be of punic origin, 229.

R.

Rabbins, too much despised, 12.

Racine regarded by the French as the model of the beautiful, 293—his appearance, 299—reception of his *Brittanicus*, 300—his *Phèdre*, ib. great success of his *Esther*, 302—the fate of his *Athalie*, 303—died of a broken heart, 304.

Raphael, model of a statue by him, 384.

Reese, Dr. his work on the fever of Baltimore noticed, 386.

Resanoff, sent by the emperor Alexander on a mission to Japan, 36.

Revolution, American, the merits of its authors, 203

Richelieu, Cardinal, ambitious of being thought a poet, 292—his treatment of the *Cid* of Corneille, 294.

Rikord, a Russian officer, companion of Golownin, 40—His efforts to procure the liberation of Golownin, 52—captures a large Japanese ship—negotiates with the governour of Iturup, on the subject of Golownin, 57.

Rochefoucault, de la, a couplet cited from him, 299.

Rœntgen, a German traveller in Africa, 233.

Rördanz, his mercantile guide, 172—account of the trade of the Greeks, ib.

Rorà, bishop of Ivrea, 3—archbishop of Turin, 4.

Roscoe's work on penal jurisprudence noticed, 235—its character, 237

De Rossi, professor at Parma, 1—his history and early proficiency in the oriental languages, 2—5—made professor at Parma, 5—his collection of the various readings of the Old Testament, 8—his library, 10—his character, 12.

Rousseau's letter to d'Alembert on the theatre, 295.

Rowan, Curran's defence of him the greatest effort of that orator, 68.

Ruhnken, his Dutch abridgement of Scheller the best Latin dictionary, 14.

Russians, their various attempts to negotiate with the Japanese, 33 et seq.

S.

Sagada, a port on the Albanian coast, 430.

Salonichi, its trade, 448.

Samaritan tritapla codex in the barbarini library at Rome, 9.

Sanconiathon of Berytus, a Phenician author, 227.

Saracens in possession of Malta, 230.

Scaliger, his remark on the English pronunciation of Latin, 273.

Scholiasts, Greek, like the Rabbins, have been too much undervalued, 13.

Schwostoff, a Russian officer, commits depredations on the Kurilian islands, 37——also on other Japanese islands, 38.

Scio, academy at, 134—its library, ib.

Sculpture, its condition in the last century at Rome, 372.

Seals, universally used in the east, 433.

Semitic languages, an enumeration of them, 225—origin of the term, ib.

Sette Communi, their language, 234.

Sevigné, Madame de, her character of the *Bajazet* of Racine, 300—her remark on the *Esther*, 303.

Shipping has not been unduly encouraged in America, 333.

Sinope, its situation for trade, 171.

Slave trade, clandestinely carried on, 158.

Slavery, an acknowledged evil, 138—questions relative to it formerly sustained in the English courts,

139—abolition of the slave-trade, 140—slavery unjustifiable by the law of nature, 142—but this law has exceptions, 143——fatal influence on society, 144—laws for its discouragement, 145, &c.—constitutional argument relative to its prohibition, 152——ratio of representation in Congress, 159—comparative merits of England and America in reference to it, 368.

Smith, Adam, his doctrine relative to the encouragement of particular branches of industry, 317—exceptions to this doctrine, 318—chief error in it, 320.

Smyrna, a Greek academy there, 134.—commercial importance of this place, 172.

Soncino edition of the Hebrew Scriptures here not the first, 10.

Spanish scholars distinguished in the department of Phenician coins, 228

Spanish provinces in South America, their wretched state, 157.

——— ——— the ancient Roman, state of the Latin language in them, 283.

Specie, in what way valuable in trade, 332.

Staël, Madame de, her work on Germany displeases both Germans & French, and why, 338.

Stewart, Dugald, qualities of his style, 66.

Story, Mr. Justice, his opinion in the Dartmouth College case, 89—his charge on piracy and the slave-trade, 137.

Syro-hexaplarian bible, specimen of it published by de Rossi, 7.

T.

Taganrog, port in the sea of Azof, 171.

Takatai Kachi, a Japanese captured by Rikord, and carried by him to Russia, 53——description of his mistress, 54.

Taylor, Jeremy, his discourses reprinted in America, 19.

Temple, Sir W. on the Netherlands, 21.

Ten Brothers, the ship, her case, 397 et seq.

Tennessee, slavery admitted in, why, 152.

Theodosius, a Saracenic distich by him, illustrated by de Rossi, 6.

Theology, to be studied with academical method, 131.

Thorwaldsen, a Danish sculptor of great merit at Rome, 373—excellence of his relievos, 379.

Tiberias, the Jewish grammarians at, 8.

Tillotson, his reputation, 209.

Trinity, Jewish objection to the doctrine of it refuted by de Rossi, 4.

Trippel, a sculptor at Rome, 373.

Trumbull's character of President Clap, 101.

Tshikotan, a Japanese island, 34.

Turkish government, a mission to it from America proposed, 170, 171—Turkish trade with Russia, 172—Turkish physicians, 457—ablutions described, 433——custom of sitting in the open air, 436—splendid costume, 440.

U.

Unity, poetical, in what it consists, 16.

United States, never encouraged the extension of slavery till the decision of the Missouri question, 153—same topic, 371.

Universities, German, an enumeration of some of them, 132.

University, differently understood on the continent of Europe from what it is in England and America, 125.

Uranus seen as a fixed star ten times, 271.

Utrecht, university of, 132.

V.

Valchesti, an Albanian village, 437.

Vallancey's essay on the Irish language, 234.

Veli, pasha of Thessaly, his revenue, 447——has attempted to get possession of the gulf of Volo, 448.

Victor, king of Sardinia, requires the theological candidates to study Hebrew, 3.

Villèle, governor of Louisiana, pronounces the yellow fever to be con-

tagious, 408.
Virginia has a large literary fund, 115—how appropriated, ib.—proceedings of the commissioners for the appropriation, 116.
Virginia university, report relative to it, 115, &c.—where placed, 116—plan of the buildings, 117—plan of study, 118, &c.—has no professorship of Divinity, and why, 130.
Visconti, 14—memoir on the Elgin marbles, 384.
Voltaire, his character as an author, 308——his manner of writing his plays described by Geoffroy, 310—his *Zaire* the most popular of his plays, 311—dedicates his *Mahomet* to Pope Benedict XIV, 312.

W.

Wallachia, language spoken there, 234.
Walsh, his appeal from the judgments of Great Britain reviewed, 334—objections to his work answered, 341——does not confine himself to recrimination, 349—analysis of his work and extracts, 351 et seq.—his style, 371.
Washington, statue of him by Canova, 372——objections to it, 385——his statue by Chantry, 385—costume, 386.
Wealth of a nation, in what it consists, 317.
Webster, Mr. his argument in the Dartmouth college case, 91.
Webster, Noah, his fanciful orthography, 282.
Wheaton's Reports noticed, 83.
Wheelock, Dr. president of Dartmouth college, 86
Whiter, his fanciful etymological system, 231.
Wilmot, Chief Justice, notes of opinions and judgments delivered by him, 98.
Witchcraft, cases of in New England, 354—not so late as in England, 356—persons accused often confessed themselves guilty, 424.
Wolf, his bibliotheca Hebræa, 10——Wolf, the editor of Homer, his notions on the Greek pronunciation, 275.

X

Xylographic work described by de Rossi, 12.

Y.

Yale college, attempt on its charter in 1763, 83, 100.
Yellow fever, maintained to be different from the bilious remittent by some authors, 389——may be produced by domestic causes, 409——why thought to be imported, 409, 410.

Z.

Zach, Baron von, his Monthly Correspondence, a valuable German astronomical work, 26.
Zoega, 228.

JUN 5 193